

**CHESTER BOROUGH LAND USE BOARD  
AGENDA  
DECEMBER 10, 2020  
7:00 PM**

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**TOPIC: DECEMBER LAND USE BOARD MEETING**

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**CHESTER BOROUGH LAND USE BOARD**  
**AGENDA**  
**DEMBER 20, 2020**  
**7:00 PM**

**1. CALL TO ORDER**

**2. OPEN PUBLIC MEETINGS ACT**

Adequate notice of this meeting of the Chester Borough Land Use Board was given as required by the "Open Public Meetings Act" as follows: notice was sent to the Observer Tribune and the Daily Record, posted on the bulletin board in the Borough Municipal Building and posted on the Borough website and filed with the Borough Clerk. The Land Use Board will hold a regular meeting by web-based platform providing remote access as the meeting will be open to the public remotely. Details for public participation will be posted on the website at [chesterborough.org](http://chesterborough.org). Public can register at Zoom.us and to join:

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**Webinar ID 853 7726 2961**

In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Zoom web-based virtual meeting room, they may contact the Board Secretary at [kbrown@chesterborough.org](mailto:kbrown@chesterborough.org) or 908-879-3660 x 2123

**3. SALUTE TO THE FLAG**

**4. ROLL CALL**

Janet Hoven  
Kerry Brown  
Stan Stevinson  
Anita Rhodes  
Adam Sorchini

Stanley Quintana, Alternate #2

Chris Heil  
Ken Kasper  
Don Storms  
Edd Creter  
Michael Ferrone, Alternate #1

Steven Warner, Board Attorney  
Steve Bolio, Board Engineer

David Banisch, Board Planner  
Sarah Jane Noll, Recording Secretary

**5. MINUTES**

**A. November 12, 2020**

**6. PUBLIC HEARING**

**A. Manjit Bajwa**

**128 Main Street Block 123, Lot 1&2**

Site Plan and variance application to convert existing structure into a general store/market and three apartments with site improvements (material mailed)

**7. RESOLUTIONS FOR ADOPTION**

**A. CPP Streets of Chester, LLC**

**160 US Hwy Route 206 South; Block 132, Lot 3, Zoning B-3 (historic overlay)**

Amended site plan/variance application to erect two freestanding signs (material mailed)

**B. Chester EWC, LLC**

**173 Route 206 North, Block 128, Lot 4, Zoning B-3 (historic overlay)**

Sign variance application to erect façade sign

**8. COMMUNICATION/DISCUSSION ITEMS**

**A. Proposed ordinance amendment regarding Shade Tree Commission**

**9. PUBLIC COMMENT**

**10. ADJOURNMENT**

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LAND USE BOARD  
November 12, 2020

The Regular meeting of the Chester Borough Land Use Board was held at the municipal building located at 50 North Road on November 12, 2020.

**Opening Statement**

Chairman Kenneth Kasper called the meeting to order at 7:00 p.m. Adequate notice of this meeting of the Chester Borough Land Use Board was given as required by the "Open Public Meetings Act" as follows: notice was sent to the Observer Tribune and the Daily Record, posted on the bulletin board in the Borough Municipal Building and posted on the Borough website and filed with the Borough Clerk. The Land Use Board will hold a regular meeting by web-based platform providing remote access as the meeting will be open to the public remotely. Details for public participation have been posted on the website at [chesterborough.org](http://chesterborough.org). Public can register at Zoom.us and to join: Public can register at Zoom.us and to join:

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**SALUTE TO THE FLAG**

**ROLL CALL**

**Present:**

Mayor Janet Hoven, Class I  
Kerry Brown, Class II  
Kenneth Kasper, Class IV  
Anita Rhodes, Class IV  
Donald Storms, Class IV  
Chris Heil, Council Representative, Class III  
Stan Stevinson, Class IV  
Edd Creter, Class IV  
Michael Ferrone, Alternate #2  
Stan Quintana, Alternate #3

**Absent:**

Paul Ferriero, Board Engineer  
Adam Sorchini, Alternate # 1

**Also Present:**

Steven K. Warner, Esq., Board Attorney  
David Banisch, Board Planner  
Steven Bolio, Board Engineer  
Sarah Jane Noll, Recording Secretary

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**PUBLIC HEARING – LAND DEVELOPMENT APPLICATION:**

**CPP Streets of Chester, LLC 160 US Hwy Route 206 South;** Block 132, Lot 3, Zoning B-3 (historic overlay) Amended site plan/variance application to erect two freestanding signs at the entrance to the Streets of Chester.

Mark Blount, Esq. was present representing the applicant in the absence of Anthony Sposaro, Esq. This application had been heard at the October 8, 2020 meeting and carried to this meeting without further notice.

Mark Blount refreshed the board on the action items. The requested descriptive diagram was submitted by Mr. Byrne and the mockup of the sign installed on site. The sign lighting will be dimmed 1 hour after the last tenant closes; the tenants' logo will all be the same color, size and locations. There will be no removal of the panels or combining panels into one. The applicant asked that the street address not be put on the sign. The applicant also prefers that the 'Streets of Chester' sign on the brick wall remain. They also prefer for the 2-carriage light at the ends to the sign to be allowed to remain.

A motion made by Edd Creter and seconded by Kerry Brown to exit deliberation and take additional testimony was passed by the board. Mr. Byrne was reminded that he remains under oath. Mr. Byrne advised that the colors on Exhibit A-3 introduced at the October meeting will remain the same. Introduced into evidence were the following exhibits:

**Exhibit A-4 and A-5** – photos showing Mockup of sign on the site from two different locations

Mr. Blount advised that he has no other affirmative testimony to offer and is open to questions of the witness.

Chairman Kasper asked if Mr. Warner, Mr. Banisch or Mr. Bolio have any questions of the witness. They had no questions at this time.

Board Members questioned the witness. Anita Rhodes asked if there had been any changes to the proposed landscape plan from May 2020. Mr. Roth who had been previously sworn did advise that there have been no changes to the plans that were dated May 2020. They had agreed to a change which has not been made. A condition of approval would be the applicant reaching an agreement with the Shade Tree Commission.

Since there were no further questions from the board members, the meeting was opened to the public by motion of Donald Storms and a second by Mayor Hoven. Since no one in the public wished to question the witness, a motion to close the public portion was made by Donald Storms and seconded by Mayor Hoven.

By motion of Anita Rhodes and seconded by Edd Creter, the meeting was opened for deliberations by the Board. Mr. Blount had no objection to this.

Chairman Kasper asked for a consensus of members not in favor of the signs. The members discussed the coach lites and questioned why the applicant does not want to eliminate them. They also felt that the sign was too tall that it blocks some of the stores in the mall. There was a suggestion by the Mayor that the top portion of the sign be removed or the sign be lowered. Members had heard comments from some residents who expressed their dislike for the sign. The

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rendering was shown to the Board. There was a suggestion that the enhanced landscaping would help. Chairman Kasper asked for contrary opinions. It was thought that the audience viewing the sign would be people traveling north and south on Route 206 and not necessarily residents. It was agreed that the proposed sign is too tall and could be lowered. There was a consensus of the members that the sign should be lowered, and the coach lights be removed. Mr. Storms felt that two signs are not necessary and he is not in favor of the sign on the north side.

Mark Blount asked that Mr. Byrne be allowed to testify again.

By motion by Donald Storms and seconded by Chris Heil, the board exited deliberation and allowed Mr. Byrne to testify. David Banisch suggested that the white fencing is too busy and that they consider a black wrought iron chain link fence. He then explained how the proposed carriage lights do not match the lighting on the site. Mr. Byrne suggested dropping the upper part of the sign. He addressed the white existing fencing and agreed that it is not necessary. The board members questioned Mr. Byrne asking why the fonts on the sign are not the same and do not seem to go together. Mr. Byrne advised that they would lower the roof 18" and reduce the sign area by approximately 50%. Mr. Warner advised the board that designing the sign by the board is inappropriate and that the 87.4 sq. ft. signs should either be denied or approved by the board since that is what is in front of the Board. Mr. Blount asked that the board allow the applicant to discuss the issues and that a recess be taken so that he would be able to talk with his client.

A recess of the board was taken at 8:09 so that Mr. Blount could talk with his client. A ten-minute break was taken, and the board addressed the following items during the recess.

**Minutes of October 8<sup>th</sup>** – approved as corrected.

### **Resolutions for Adoption**

**Christopher Harris 2020-07-** 11 Cedar Tree Lane Block 108, lot 13 Zoning R-LD (2 acre)  
Variance application to expand existing deck and construct patio area.

Stanley Stevinson moved to adopt the resolution; Michael Ferrone seconded the motion which was approved by the following roll call vote:

**AYES:** Janet Hoven; Stanley Stevinson; Donald Storms; Chris Heil; Kerry Brown; Anita Rhodes; Michael Ferrone and Stanley Quintana.

**NAYS:** None

CHRISTOPHER and MARISSA HARRIS  
Block 108, Lot 13  
11 Cedar Tree Lane

#### RESOLUTION

**WHEREAS, CHRISTOPHER and MARISSA HARRIS** (the "Applicants") have applied to the Borough of Chester Land Use Board (the "Board") for the following bulk variance relief, in connection with the construction of a ground-level patio and the extension of an existing deck to the rear of the existing single-family dwelling, located on property identified as Block 108, Lot 13 on the Tax Map, more commonly known as 11 Cedar Tree Lane (the "Property");

1. A variance for a proposed rear-yard setback of 45 feet, whereas the minimum required rear-yard setback in the Residential Low-Density ("RLD") Zone is 75 feet, pursuant to Section 163-69 and Schedule 1 of the Land Development and Procedures Ordinance of the Borough of Chester (the "Ordinance"); and

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2. A variance for a rear-yard setback of 30 feet to an accessory structure (the proposed ground-level patio), whereas the minimum required rear-yard setback to an accessory structure in the RLD Zone is 50 feet, pursuant to Section 163-69 and Schedule 1 of the Ordinance; and

WHEREAS, a virtual public hearing on notice was held on such application on October 8, 2020, at which time interested citizens were afforded an opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicants and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. Board Chairman Kasper and Board Member Creter recused themselves from hearing the application.
2. All of the application materials and hearing exhibits were posted on the municipal website, and made available to members of the public, within the requisite timeframe, in advance of the hearing. Members of the public were provided with instructions on how to access said materials and participate in the scheduled hearing both via the web-based meeting platform and telephonically, if necessary.
3. All Board Members and Board Professionals and staff participated in the hearing through the web-based platform and were able to perceive the Applicants and the Applicants' professionals, both visually and audibly, in real time.
4. The Property is a significantly undersized (0.52 acre lot area, whereas the minimum required lot area is 2 acres) lot located in the RLD Zone. The Property is presently improved with a two-story frame dwelling, a rear deck, and associated walkways and improvements. The Applicants propose to construct a 442 square foot extension of the existing deck and a 225 square foot new ground level patio.
5. The Applicants' proposal is depicted on a Survey prepared by Patrick A. Cibellis, Jr., P.L.S., dated November 17, 2017, unrevised, same consisting of one (1) sheet. The Applicants also submitted a compendium of five (5) photographs of the Property.
6. The requested variance for the nonconforming rear-yard setbacks to both the extended deck and the new patio is governed by the criteria of N.J.S.A. 40:55D-70(c).
7. Christopher and Marissa Harris, the Applicants, having an address of 11 Cedar Tree Lane, were duly sworn according to law. Mr. Harris testified that he and his family moved to Chester Borough three years ago. He explained that they are seeking to expand their existing deck and to construct a new patio. Mr. Harris further explained that the proposed deck expansion will encroach an additional five (5) feet into the required rear-yard setback, such that the current setback of 50 feet will be reduced to 45 feet. He testified that the Applicants are also proposing to construct a new patio and that same will be set back 30 feet, whereas the minimum required rear-yard setback from an accessory structure is 50 feet.
8. Mr. Harris explained that the deck and patio will allow the Applicants and their family to better utilize their Property. He further explained that the Applicants had considered various iterations of the plans, but that the current proposal constitutes the best planning alternative in his opinion. Mr. Harris testified that the Property has a spacious rear yard and the proposed improvements will be consistent with both the existing improvements and the overall character of the neighborhood.
9. On questioning, Mr. Harris testified that he had taken the photographs submitted with the application materials in September of 2020, and he confirmed that they are accurate depictions of the Property as it presently exists. On further questioning, Mr. Harris explained that the Property is a significantly undersized lot. He further explained that there is an existing 4 to 5 foot tall fence along the rear of the Property. Mr. Harris confirmed that the proposed improvements will not result in excess impervious coverage.
10. Kenneth Kasper, having an address of 10 Cedar Tree Lane, was duly sworn according to law and expressed his support for the Applicants' proposal.
11. Edd Creter, having an address of 9 Cedar Tree Lane, was duly sworn according to law and expressed his support for the Applicants' proposal.
12. William Cokeley, having an address of 16 Ammerman Way, was duly sworn according to law. He expressed concern about stormwater runoff because there is currently significant ponding in her rear yard.

**DECISION**

13. After reviewing the evidence submitted, the Board, by a vote of 9 to 0, finds that the Applicants have satisfied their burden of proving an entitlement to the requested variance relief for the deficient rear-yard setbacks from both the extended deck and the ground-level patio, pursuant to both N.J.S.A. 40:55D-70(c)(1) and (c)(2).
14. As to the positive criteria for "c(1)" or "hardship" variance relief for the rear-yard setback deviations, the Board finds that the Applicants have satisfied same by demonstrating that strict application of the zoning regulations will result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, them as the owners of the Property. In this regard, the Board recognizes the significantly undersized nature of the Property, as well as the location of the existing lawfully constructed improvements thereon, make it exceptionally difficult for the Applicants to construct the proposed reasonably sized rear-yard improvements in a fully conforming location. The Board further finds that the Applicants have established that no undeveloped adjacent land is available for purchase, which would extend the rear yard to minimize, or eliminate, the proposed rear-yard setback deficiencies. Finally, the Board finds that the undue hardship that would be incurred by the Applicants if the zoning regulation were to be strictly enforced would not be self-created by the Applicants or any predecessor-in-title.
15. As to the positive criteria for "c(2)" or "flexible c" variance relief for the rear-yard setback deviations, the Board finds that the Applicants have demonstrated that the purposes of the Municipal Land Use Law ("MLUL") will be advanced by the requested deviation from the zoning requirements, and that the benefits to be derived therefrom will substantially outweigh any detriments associated therewith. In this regard, the Board finds that the Applicants have demonstrated that the proposal advances the purposes set forth in subsections (a) and (i) of Section 2 of the MLUL in that it promotes the public health, safety, morals and general welfare and promotes a desirable visual environment, respectively. Here, the Board recognizes that the proposed improvements will be located to the rear of the dwelling and will not be visible from the right-of-way. The Board further recognizes that there is a fence and landscape buffering along the rear of the Property that will screen the improvements and further mitigate the relatively modest detrimental impact associated with the proposal.

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16. As to the negative criteria for the requested bulk variance relief, the Board finds that the Applicants have demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan or Zoning Ordinances. The Board considers, as to the first prong of the negative criteria, that the proposal will not render the Property substantially out of character with the existing neighborhood. The Board further recognizes in this regard that while one member of the public expressed mixed feelings and some concern about the application, some members of the public commented in support of the application. As to the second prong of the negative criteria, the Board recognizes that both the deck and patio are permitted, and that the magnitude of the bulk variance relief sought is relatively modest, such that it certainly does not rise to the level of constituting a rezoning of the Property, such that the proposed does not substantially impair the intent and purpose of the Master Plan and the Zoning Ordinance.

WHEREAS, the Board took action on this application and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Chester, on the 12th day of November, 2020, that the application of CHRISTOPHER AND MARISSA HARRIS, for variance relief as aforesaid, be and is hereby granted, subject to the following conditions:

1. The Applicants shall post sufficient funds with the Borough to satisfy any deficiency in the Applicants' escrow account;
2. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;
3. The aforementioned approval also shall be subject to all State, County and Borough statutes, ordinances, rules and regulations affecting development in the Borough, County and State, including but not limited to NJDEP regulations and permit requirements; and
4. Pursuant to Section 163-77.E.(8) of the Ordinance, any variance relief granted by the Land Use Board permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within nine (9) months from the date of entry of the judgment or determination of the Land Use board.

### Chester Village Square – Benito's

Stanley Stevinson moved to adopt the corrected resolution; Michael Ferrone seconded the motion which was approved by the following roll call vote:

**AYES:** Mayor Janet Hoven; Kerry Brown; Kenneth Kasper; Anita Rhodes; Donald Storms; Chris Heil; Stanley Stevinson; Edd Creter and Michael Ferrone.

**NAYS:** None

8:25 P.M. Mr. Blount joined the Zoom meeting after a 10-minute recess during which he consulted with his client.

Mr. Byrne then advised the board of their proposed changes.

- 1) Size – they will reduce the height from 9' to 6'6" drop the roof section down and remove the wording 'Streets of Chester' from the sign and remove the lighting under the roof but keep the goose neck lights; 2) the carriage lights would be retained but propose them to be identical to those lights in the mall; 3) they would like to have the 2 signs on the north and south sides of the entrance. The landscaping will help to conceal the sign.

Public Portion - No one from the public wished to question the witness so the public portion was closed.



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The board members then questioned Mr. Byrne who explained that the applicant wants to keep the goose neck lights which, in his opinion, is a better look. Mayor Hoven agreed that the goose neck lights are like the lights in the mall. Mr. Byrne advised that the carriage lights are like the lights in the mall. The sign will replace the 3-rail fence. The existing shrubs will be removed, and landscaping will be installed matching the plan which was shown on the computer screen. Mr. Roth did advise that the code does require the fencing around the detention basin and those standards will be met. Mr. Warner asked to be advised of the new proposed dimensions of the sign for the drafting of the resolution. Mr. Blount confirmed that the calculations will be sent to Mr. Warner this coming week. Mr. Byrne calculated each sign would be reduced by 40 sq. ft.

The board then began its deliberations by motion by Chris Heil and seconded by Michael Ferrone.

Chairman Kasper, Stanley Stevinson and Stan Quintana were not fans of the size of the signs. Mr. Stevinson and Mr. Quintana feeling that a precedent may be set. Messers Ferrone, Creter, Heil and Mayor Hoven are satisfied with the proposed size. Mr. Stevinson favors the two signs which he feels helps business, but he still would like the sign to have the street number on it. Kerry Brown and Mayor Hoven support the two signs.

Michael Ferrone moved to approve the site plan with variances conditioned on the reduction in size, conformance with Shade Tree Commission, compliance with the reports of the planner and engineer, dimming of lights as stipulated, the light fixtures to comply with those in the mall and stipulation regarding the logo and the retention of the 'Streets of Chester' sign on the wall; Stanley Stevinson seconded the motion, which was approved by the following roll call vote:  
**AYES:** Janet Hoven, Kerry Brown, Chris Heil, Stanley Stevinson, Edd Creter and Michael Ferrone.

**NAYS:** Kenneth Kasper, Anita Rhodes, and Donald Storms

**Chester EWC, LLC d/b/a European Wax Center**, 173 Route 206, Block 128, Lots 2 & 4

Mr. Warner advised that the notices are in order and the board can hear the application. Mark Blount was present representing the applicant.

Steve Bolio, Borough Engineer reviewed the October 28, 2020 report prepared by Paul Ferriero, Borough Engineer addressing the checklist items for completeness. The application is deemed complete for the board to move forward. Waivers are recommended for checklist items 8, 9, 13, 16, 18, 19, 20, 21, 22, 23 24, 30 & 34. This is a sign variance application to allow one (1) proposed façade sign of 25.9 sq. ft. where 15 sq. ft. maximum is permitted provided, however, that the total sign shall not exceed 10% of the area of the face of the building to which it is attached.

The two witnesses for the applicant Dipali Patel and Mike Sonlin and Board planner David Banisch were all sworn in to testify.

Dipali Patel testified that this will be the 38<sup>th</sup> store in the nation. She also owns the Chester Massage Envy Business located in the mall. This is a Franchise business, and the sign is a

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corporate sign. All signage must be uniform and approved by corporate. There are 800 locations nationwide. The space that she wishes to use has been vacant for approximately 8 months. Since there was no further testimony by this witness at this time, the board questioned the witness. Mr. Quintana asked why the signs cannot be scaled down to meet different municipal requirements. The witness had a drawing of the sign comparing it to the other signs for Verizon and Great Clips. She is not sure if corporate will allow the reduced signage. Mr. Stevinson questioned the size of Massage Envy, but that information was not available.

Kerry Brown advised that there is no public on the zoom meeting, so the public portion was not opened.

The next witness Michael Sonlin testified that he works for **Effective Sign Works** the producer of the signage. They are a nationwide sign company. He has worked them for 14 years. He is neither an engineer nor a planner. His expertise is in the sign design. Mr. Warner recognized him as an expert in his profession. Mr. Sonlin gave the dimensions of the existing signs: Massage Envy is 22.2 sq. ft., and the Verizon sign is 29.16 sq. ft. He explained how he measured the s.f. of the sign so that it could be seen from 150', they are currently visual from 145'. The letters get too small to put LED lighting inside it. 175 lumens per letter on average. It is a white light. It is his opinion that there is no negative impact in allowing the larger sign. Mr. Blount had no further testimony. Mr. Ferriero's report of October 28, 2020 and Mr. Banisch's November 12<sup>th</sup> report were reviewed. # 5 of Mr. Banisch's report questioned the intensity of illumination. Mr. Sonlin advised that it is not adjustable however they could put a dimmer on it if it were deemed too bright. Mr. Bolio feels this is acceptable. It would be a condition to the approval.

Entered into evidence was the following exhibit:

**Exhibit A-1** – 2 page submission dated 8-25-20.

Mr. Banisch questioned the distance that Mr. Sonlin used to justify the size of the sign and its lettering. It was Mr. Sonlin's opinion that the proposed size is barely adequate to be visible. During the questioning by the Board the applicant stipulated that the lights would go on one (1) hour before sunset and one (1) hour after store closure. They will close at 9:30 during the week from Monday thru Friday and at 6 p.m. on the weekends. Mr. Warner asked the applicant to stipulate that they would repair any damage to the façade of the building when installing the signage. They will agree to that. Chairman Kasper asked if they are proposing any additional signage on the window glass and that the applicant familiarize themselves of the Borough's sign ordinances. They testified that the sign will not have sound or motion.

There being no further questions of the witnesses and that there is no one in the public, Mr. Blount concluded his case.

Upon a motion by Anita Rhodes and seconded by Stanley Stevinson, the board deliberated. Edd Creter moved to approve the requested variances conditioned on the stipulations discussed; Stanley Stevinson seconded the motion which was approved by the following roll call vote:

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**AYES:** Janet Hoven, Kerry Brown, Chris Heil, Stanley Stevinson, Edd Creter, Michael Ferrone, Kenneth Kasper, Anita Rhodes and Donald Storms

**NAYS:** None

**Resolution of the Borough of Chester Land Use Board adopting Emergency remote**

**meeting** protocols, procedures, and requirements for public participation at remote meetings.

Mr. Warner explained the reason for the resolution which allows boards or public body to adopt a resolution that essentially mimics the law.

Stanley Stevinson moved to adopt the resolution; Anita Rhodes seconded the motion which was approved.

**AYES:** Janet Hoven, Kerry Brown, Chris Heil, Stanley Stevinson, Edd Creter, Michael Ferrone, Kenneth Kasper, Anita Rhodes, Stan Quintana, and Donald Storms

**NAYS:** None

**Communication/Discussion items**

- The Mayor commented on a letter received from Ed Ng regarding lack of notice that the 2<sup>nd</sup> meeting in October had been cancelled and that the minutes of the meetings had not been posted. Kerry Brown addressed the issue and advised that she will make sure that this does not happen in the future. The minutes are now on the website.

**PUBLIC COMMENT** – There was no one in the public.

Mayor Hoven spoke to the acceptance of the anti-degradation study which addressed the Oakdale Creek that flows into the Lamington River. The study determined that water coming out of the plant and going into the creek would improve the quality of the creek. The Borough will be preparing a water quality management plan. The Borough needs to determine how many gallons of the allotted 275,000 will be needed. The Highlands Council has been advocating for the Borough. David Banisch did prepare the grants. The Environmental Committee is working on a project for a grant. She spoke to some of the road work done on Fairmount Ave. and that the curb by the Somody house has been corrected and the road is going to be paved the week of the 23<sup>rd</sup> of November. Work has been done at the intersection of Budd and Grove and they have applied for a grant for the extension of the park to the white stripping. This is for the safety of people around town.

**Meeting Schedule for 2021** – The dates for the year 2021 were discussed by the Board. The meeting in November will be on Wednesday the 10<sup>th</sup>.

Mayor Hoven moved to accept the corrected 2021 meeting dates; Chris Heil seconded the motion which was approved by a voice vote.

**ADJOURNMENT** - There being no further business, the meeting was adjourned at **10 p.m.** by motion of Kerry Brown and seconded by Anita Rhodes.

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Sarah Jane Noll  
Recording Secretary

**LAND USE BOARD  
BOROUGH OF CHESTER**

**CPP STREETS OF CHESTER, LLC  
Block 132, Lot 3  
160 Route 206**

**RESOLUTION**

WHEREAS, **CPP STREETS OF CHESTER, LLC** (the “Applicant”) has applied to the Borough of Chester Land Use Board (the “Board”), for amended preliminary and final major site plan approval and the following bulk variance relief, in connection with the installation of two (2) freestanding monument signs, on property identified as Block 132, Lot 3 on the Tax Map, more commonly known as 160 Route 206 (the “Property”):

1. A variance for two (2) proposed freestanding signs, whereas freestanding signs are a nonpermitted accessory structure in a Business District, including the B-3 Regional Commercial Zone (“B-3”) Zone, pursuant to Sections 163-72.A.2 and 163-72.D.2 of the Land Development and Procedures Ordinance of the Borough of Chester (the “Ordinance”); and
2. A variance for signage materials and design, including a proposed brick monument sign with synthetic stucco banding, whereas signs located in the Historic District shall be made of natural hardwood, metal, or high density urethane (“HDU”), pursuant to Section 163-93.D.1 of the Ordinance; and

WHEREAS, public hearings on notice were held on such application on October 8, and November 12, 2020, via web-based platform, at which times interested citizens were afforded an opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. All of the application materials and hearing exhibits were posted on the municipal website, and made available to members of the public, within the requisite timeframe, in advance of the hearing. Members of the public were provided with instructions on how to access said materials and participate in the scheduled hearing both via the web-based meeting platform and telephonically, if necessary.

2. All Board Members and Board Professionals and staff participated in the hearing through the web-based platform and were able to perceive the Applicant and the Applicant's professionals, both visually and audibly, in real time.

3. The Property is located within the B-3 Zone and the Historic District Overlay.

4. The Applicant proposes to erect two (2) monument signs; one on each corner of the driveway intersecting with Route 206 in front of the Streets of Chester Shopping Center (the "Shopping Center"). Each sign is proposed to be 87.4 square feet, for a total of 174.8 square feet of sign area. Each 87.4 square foot sign will provide 63 square feet of tenant display area consisting of 20 spaces on the sign for tenant names and a display area of 24.4 square feet for the name of the Shopping Center. Both signs are proposed to be set back 11 feet from Route 206. The proposed signage will be constructed out of brick with synthetic stucco banding to match the brick used on the exterior of the Shopping Center buildings.

5. The Applicant's proposal is depicted on Plans prepared by Michael J. Roth, P.E., dated May 4, 2020, unrevised, same consisting of five (5) sheets and sign plans prepared by William P. Byrne, R.A., dated August 28, 2019, last revised April 15, 2020, same consisting of two (2) sheets.

6. The requested variance relief is governed by the criteria of N.J.S.A. 40:55D-70(c).

7. Mark Blount, Esq., covering for Anthony J. Sposaro, Esq., entered his appearance on behalf of the Applicant. He advised that the Applicant is seeking variance relief for the construction of two freestanding signs.

8. David J. Banisch, A.I.C.P., P.P., the Board Planner, and Steven B. Bolio, P.E., C.M.E., the Board Engineer, both were duly sworn according to law.

9. The Board reviewed the Applicant's request for checklist waivers as set forth in Mr. Ferriero's August 27, 2020 Review Letter, and granted the requested relief in accordance with the advice received from Mr. Bolio, thereby deeming the application complete.

10. Michael J. Roth, P.E., having a business address of 52 Quail Run, Long Valley, New Jersey, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of civil engineering. Referencing the site plans submitted with the application materials, Mr. Roth described the existing conditions and the location of the Property. He explained that the existing buildings in the Shopping Center are set back over 500 feet from Route 206, such that it is difficult to see building mounted signage. Mr. Roth explained that the proposed freestanding monument signs will improve wayfinding by making it easier for motorists to know which stores are located in the Shopping Center.

11. Mr. Roth described the proposed signage as consisting of two signs, each of which have a sign area of 87.4 square feet, for a total sign area of 174.8 square feet. He testified that the signs will be set back 11 feet from the property line and 20 feet from the curb line. Mr. Roth confirmed that the proposed sight triangles will be sufficient and that the signage will not have a negative impact on motorist safety. On questioning, he testified that the signage is 9 feet tall from the top to the bottom of the sign, is 13 feet tall when measured from the right-of-way, and will extend 5 feet higher than the existing 4 foot tall fence.

12. Mr. Roth testified that the Applicant's proposal requires variance relief because freestanding monument signs are not permitted accessory structures in the business district, including specifically the B-3 District. Additionally, the proposed signage material (brick) is not permitted in a Historic District. Mr. Roth opined that the requested relief could be granted, particularly given the unique conditions affecting the Property, including the existing grading and setbacks. On discussion of the proposed landscaping, Mr. Roth testified that the Applicant would comply with the requests set forth in the September 14, 2020 Report prepared by the Chester Borough Shade Tree Commission to use more proportional landscaping. As to signage lighting, Mr. Roth further testified that the signage would have ground mounted lighting and strip lights along the bottom. On questioning, he confirmed that the lighting levels can be adjusted.

13. The Applicant stipulated, as a condition of approval, to complying with the comments and recommendations set forth in the August 27, 2020 Review Letter prepared by Mr. Ferriero, the Borough Engineer. The Applicant further stipulated to complying with the comments and recommendations set forth in the September 23, 2020 Review Memorandum prepared by Mr. Banisch, the Borough Planner. Specifically, the Applicant stipulated that the freestanding sign lighting would be dimmed, but not shut off, one hour after the close of business of the last store in the Shopping Center and that the overall lighting levels would be subject to review and approval by the Borough Engineer.

14. Mr. Roth introduced into evidence, as Exhibit A-1, an aerial photograph of the Property dated September 2020 and, as Exhibit A-2, a colorized rendering of one of the two proposed signs. On questioning, Mr. Roth clarified the height of the signage and confirmed that neither the signage, nor the proposed signage lighting, would create sight distance or sight triangle conflicts or otherwise impact motorist or pedestrian safety. The Board introduced into evidence,

as **Exhibit LUB-1**, a photograph from a tourism website showing the existing signage conditions. The Applicant confirmed that the signs would be mirror images of each other and the Applicant stipulated to same. Mr. Roth further confirmed that the Applicant is not seeking to modify the existing overall site lighting.

15. William Byrne, R.A., having a business address of 10 Main Street, Chester, New Jersey, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of architecture. Referencing the signage plans submitted with the application materials, Mr. Byrne testified that the signage would be brick with stucco banding. He explained that the signage is consistent with the architecture and materials used throughout the Shopping Center. Mr. Byrne further explained that the center panel would contain signage for 8 tenants and each of the side panels would contain signage for 6 tenants. He testified that each tenant's signage would fit within the proscribed individual signage panels. Mr. Byrne further testified that the side panels are 7 feet wide and the center panel is 10 feet wide with a 1.5 foot pilaster.

16. On questioning as to the proposed signage materials and whether conforming materials could be used, Mr. Byrne testified that the sign panels themselves will be constructed out of wood or high density polyurethane, materials that comply with the Historic District requirements. He further testified that the Historic Preservation Commission had reviewed the proposed signage design and approved of same. The Applicant stipulated that the lettering on the signage would either be flush or recessed, but would not be raised.

17. On questioning as to the need for the amount of signage proposed, Mr. Byrne explained that the Applicant has had difficulty locating and retaining tenants, particularly given the lack of visibility of the storefronts from the right-of-way. He further explained that the signage



is consistent with the existing Shopping Center development, particularly given the architectural design and proposed landscaping. Mr. Byrne opined that the signage can be constructed without substantial detriment to the public good or impairment of the zoning ordinances and Master Plan. On questioning, he further opined that the signage will be readable for the motoring public, but not distracting. On further questioning, Mr. Byrne testified that the signage would improve onsite safety by improving wayfinding and site circulation.

18. The Board questioned whether each of the tenants would be permitted to use their own text and logos and, if so, whether the signage still would be consistent. The Applicant stipulated, as a condition of approval, that the overall signage would be subject to the review and approval of the Board Planner. The Applicant further stipulated that any damage to the sign face from changing tenant signage would be repaired.

19. On discussion as to whether the proposed signs needed to say "Streets of Chester" since same is already on the exterior wall along the entrance to the Property, the Board suggested adding the street address to the signage instead. The Applicant stipulated that each tenant would be permitted only one sign on each of the freestanding monument signs. On questioning as to whether one monument sign (rather than two monument signs) would be sufficient, Mr. Byrne opined that it would not since two signs would be more visible to passersby traveling in both directions. He reminded the Board that the Applicant had presented the proposed signage to the Historical Preservation Commission and that the Commission had no objections to same.

20. The Board discussed whether (1) the existing Streets of Chester signage on the wall at the entrance to the Property should be removed, (2) the signage lighting should be dimmed or completely shut off, (3) the proposed signage lighting is too intense, particularly given the additional coach-style lighting proposed to be located on the pilasters of each monument sign, (4)

tenant signage should be consistent as to color, font, and size, (5) one or two signs is more desirable, (6) the overall size of the signage is appropriate and (7) generally, whether the type of signage proposed is ideal. On discussion, the Board indicated that it was leaning toward concluding that (1) the existing Streets of Chester signage remain, (2) after business operation hours, the level of the intensity of the freestanding sign lighting should be reduced to 25%, (3) the coach-style lighting fixtures on the pilaster of the signs should be removed, (4) only tenant identification signage should be permitted on the freestanding signs (and 'for rent' signs are prohibited), (5) two signs may be preferable, (6) the size and style of the signage should be considered once the Applicant provides additional renderings and/or allows for a site visit with a mockup of the sign, (7) both side panels of the signs should be symmetrical as to number, and size of, tenant signage plaques, and (8) the tenant signage should be uniform as to color, but need not be uniform as to font.

21. At the November 12, 2020 hearing, Mr. Byrne introduced into evidence, as **Exhibit A-3**, a colorized sign rendering, and, as **Exhibit A-4 and Exhibit A-5**, two photographs taken by Mr. Roth of mock-up signage installed at the Property for the site visits by the Board Members.

22. Mr. Roth testified that the Applicant submitted a colorized sign rendering. He confirmed that the Applicant is not changing the prior landscaping plan, other than making it more proportional to the existing improvements in accordance with the recommendations of the Shade Tree Commission. The Applicant stipulated that the landscaping plan would continue to be subject to the review and approval of the Shade Tree Commission and that the required maintenance guarantees would be provided as set forth in the Ordinance.

23. Mr. Byrne testified that the Applicant had modified the proposed signage to make "Streets of Chester" more visible and to reduce the height of the sign by approximately 18 inches,

from approximately 9 feet (as originally proposed), to 7.5 feet, and adjusted to provide additional landscape to address the Board's comments.

24. The Applicant stipulated to (1) reducing the center portion sign height, after further discussion, 2.5 feet (as opposed to just 18 inches), so as to reduce the height from 9 feet to 6.5 feet, eliminating the portion of the monument signs located above the carriage lighting and lowering the "Streets of Chester" text to below the gooseneck lighting, (2) eliminating the proposed soffit lighting and (3) replacing the previously proposed shrubs with more appropriate landscaping, consistent with the landscaping shown on the rendering. The Applicant further stipulated to modifying the proposed carriage lighting on top of the pilasters at each end to be consistent with other lighting within the Shopping Center and to revising the plans in accordance with the testimony provided.

25. No member of the public commented on, or objected to, the Applicant's proposal.

### **DECISION**

26. After reviewing the evidence submitted, the Board, by a vote of 6 to 3, finds that the Applicant has satisfied its burden of proving an entitlement to the requested amended preliminary and final site plan approval and bulk variance relief.

### **Bulk Variance Relief:**

27. The Board finds that the Applicant has satisfied the positive criteria for "c(2)" or "flexible c" variance relief for the requested freestanding monument signage, by demonstrating that the purposes of the Municipal Land Use Law ("MLUL") will be advanced by the requested deviations from the zoning requirements and that the benefits to be derived therefrom will substantially outweigh the detriments associated therewith. In this regard, the Board finds that the proposal advances the purposes set forth in subsections (a) and (i) of Section 2 of the MLUL, in

that it (a) promotes the public health, safety, morals and general welfare and (i) promotes a desirable visual environment, respectively. Here, the Board accepts the expert testimony of the Applicant's expert engineer and architect, unrefuted by the Board's expert planner and engineer, that the two freestanding monument signs will be aesthetically pleasing, improve tenant identification and improve wayfinding and facilitate safer onsite vehicular and pedestrian circulation. Moreover, the Board finds that, although the proposed signage materials of brick and stucco do not comport with the signage material and design requirements in the Historic District, the proposed materials nevertheless are consistent with the existing Shopping Center architecture, materials, and design, and the Historic Preservation Commission approved same. Additionally, the Board recognizes that, while the signage will include brick, it also will include wood as the primary sign background material and same is permitted in the Historic District.

28. Finally, the Board further recognizes that the Applicant has stipulated to numerous conditions to improve the aesthetics of the signage, including, but not limited to, reducing the level of the intensity of the freestanding sign lighting by removing the proposed soffit lighting and dimming said sign lighting after business hours, utilizing carriage lighting fixtures that are more consistent with the existing lighting fixtures in the Shopping Center, prohibiting the posting of unsightly "for rent" signs on the freestanding signs, improving the proposed landscaping to address the Board's comments, reducing the overall height of the signs significantly, and requiring that tenant signage be uniform as to color. The Board finds that, given these numerous and significant stipulated conditions, the benefits to be derived from the proposed signage substantially outweighs the detriments associated therewith. Based on the aforementioned, the Board finds that the Applicant has demonstrated the positive criteria required for the requested bulk variance relief, pursuant to subsection c (2) of N.J.S.A. 40:55D-70.

29. As to the negative criteria for the requested bulk variance relief, the Board finds that the Applicant has demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan or the Zoning Ordinances. The Board considers, as to the first prong of the negative criteria, that the proposed improvements will not be out of character with the commercial district in which the site is located, and, rather, the expert testimony revealed that it should render the Property more aesthetically pleasing and improve the safety of motorists and pedestrians by improving wayfinding and onsite circulation. The Board further recognizes that no member of the public objected to the application, thus further supporting the finding of no substantial detriment to the public good. As to the second prong of the negative criteria, the Board finds that the magnitude of the bulk variance relief sought is relatively modest, such that it certainly does not rise to the level of constituting a rezoning of the Property or otherwise substantially impairing the intent or purpose of the Master Plan or the Zoning Ordinance.

**Amended Site Plan Approval:**

30. As to the requested amended preliminary and final site plan approval, the Board finds that the Applicant has demonstrated compliance with the standards and regulations set forth in Sections 163-45 and 163-50 of the Ordinance. As such, the Board finds that the Applicant is entitled to the requested amended preliminary and final site plan approval relief, subject to the conditions stipulated to below.

WHEREAS, the Board took action on this application and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Chester, on the \_\_\_\_ day of \_\_\_\_\_, 2020, that the application of **CPP STREETS OF CHESTER**,

LLC, for amended preliminary and final site plan approval and bulk variance relief, as aforesaid, be, and is hereby, granted, subject to the following conditions:

1. Any and all outstanding escrow fees shall be paid in full and the escrow account shall be replenished to the level required by Ordinance within 30 days of the adoption of a Resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan and/or subdivision plat, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance (whichever is applicable);
2. The two proposed freestanding signs shall be uniform as to their respective dimensions, materials, design and the like, subject to the review and approval of the Borough Planner;
3. [The two proposed freestanding signs shall be mirror images of each other;]
4. [The Applicant shall limit each tenant to only one panel/plaque on only one of the two freestanding monument signs;]
5. The Applicant shall submit structural calculations for the signage for review and approval as part of the building permit application process;
6. The Applicant shall revise the plans to include the overall lengths of the signage;
7. The Applicant shall revise the footing depth show on Detail A-1 of the plans to state that same shall be 3.5 feet minimum below the detention basin finished grade consistent with Detail A-2 as depicted on Sheet 2 of the architectural plans;
8. The Applicant shall submit a signed version of the Layout and Lighting Plan (Sheet 3/5), same to be signed by a licensed surveyor;
9. The Applicant shall submit an as-built Survey for the signage and associated appurtenances;
10. The Applicant shall submit a landscaping plan, same to be subject to the review and approval of the Borough Planner and/or the Shade Tree Commission within their reasonable discretion. The landscaping plan shall incorporate the recommendations set forth in the September 14, 2020 Review Memorandum prepared by the Shade Tree Commission, including that the landscaping shall be more proportional with the proposed signage;
11. The Applicant shall be responsible for maintaining the landscape screening in perpetuity, on an ongoing basis and if, during the initial two year period post-approval, any of the plantings die or fail to thrive, same shall be replaced and

reinstalled by the Applicant at the Applicant's sole cost and expense pursuant to Section 163-31 of the Ordinance, all to be subject to the review and approval of the Borough Engineering Department and/or the Shade Tree Commission;

12. The lettering on the signage shall either be flush or recessed, and shall not be raised;
13. The Board Planner and/or the Zoning Official shall review and approve new individual tenant panels/signage for each tenant;
14. The Applicant shall repair any damage to the signage associated with the removal or replacement of tenant panels/plaques and same shall be subject to the review and approval of the Borough Engineer whenever such changes are made to the sign;
15. The Applicant shall install the signage in accordance with the details set forth on the plans and as testified to during the hearing;
16. Only tenant identification signage shall be permitted on the freestanding monument signs. No "for rent" or similar signage shall be permitted and, instead, blank sign panels shall be utilized as replacement signage for tenants that leave the Shopping Center;
17. All tenant identification signage shall be uniform as to color, but the font may differ;
18. The Applicant shall eliminate the proposed soffit lighting and replace the proposed carriage lighting fixtures with fixtures that are consistent with the existing lighting fixtures utilized throughout the Shopping Center, revise the plans accordingly, all subject to the review and approval of the Borough Planner;
19. The Applicant shall reduce the height of the proposed signage from 9 feet to 6.5 feet by eliminating the center portion of each monument sign located above the carriage lighting and lowering the "Streets of Chester" text to below the carriage lighting, and the Applicant shall revise the plans accordingly;
20. The Applicant shall reduce the freestanding sign illumination levels to 25% of the normal illumination levels within one hour after the close of business of the last store in the Shopping Center and the overall lighting levels shall be subject to the review and approval of the Borough Engineer;
21. The Applicant shall coordinate an in-service lighting inspection by the Borough Engineer to determine whether the proposed signage lighting, including security level lighting, causes light spillage, undue glare or excessive amounts of light that are not needed for sign lighting, and the Applicant shall make any adjustments, that may include reducing the lighting levels, that the Borough Engineer may

require in his reasonable discretion;

22. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;
23. The aforementioned approval also shall be subject to all State, County and Borough statutes, ordinances, rules and regulations affecting development in the Borough, County and State, including but not limited to NJDEP regulations and permit requirements;
24. Pursuant to Section 163-77.E.8 of the Ordinance, any variance relief granted by the Land Use Board permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within nine (9) months from the date of entry of the judgment or determination of the Land Use Board; and
25. All construction, use and development of the Property shall be in conformance with the Plans approved herein, all findings, conclusions, terms and conditions of this Resolution and, to the extent not inconsistent therewith, all representations of Applicant and its witnesses during the public hearing. Any deviation from the terms or conditions of the approved Plans, or the terms or conditions of this Resolution, shall be deemed a violation of the terms and conditions of site plan approval and a violation of the Zoning and Land Development Ordinances of the Borough of Chester;

ROLL CALL VOTE:

Those in Favor:

Those Opposed: None

The foregoing is a true copy of a Resolution adopted by the Land Use Board of the Borough of Chester at its meeting on \_\_\_\_\_, 2020.

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KERRY BROWN, Secretary  
BOROUGH OF CHESTER  
LAND USE BOARD

Dated: December \_\_, 2020



**LAND USE BOARD  
BOROUGH OF CHESTER**

**CHESTER EWC, LLC d/b/a EUROPEAN WAX CENTER**

**Block 25.01, Lot 1**

**Block 128, Lots 2 & 4**

**173 Route 206**

**(Chester Springs Shopping Center)**

**RESOLUTION**

WHEREAS, **CHESTER EWC, LLC d/b/a EUROPEAN WAX CENTER** (the “Applicant”) has applied to the Borough of Chester Land Use Board (the “Board”), for the following bulk variance relief in connection with the installation of new signage at the proposed European Wax Center located within the Chester Springs Shopping Center, on property identified as Block 25.01, Lot 1 (Chester Township) and Block 128, Lots 2 and 4 (Chester Borough) on the Tax Map, more commonly known as 173 Route 206 (the “Property”):

A variance for a 25.9 square foot “European Wax Center” sign, whereas the maximum permitted signage area is 15 square feet, pursuant to Section 163-89.B(2) of the Land Development and Procedures Ordinance of the Borough of Chester (the “Ordinance”); and

WHEREAS, a public hearing on notice was held via web-based platform on such application on November 12, 2020, at which time interested citizens were afforded an opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and the reports from consultants and reviewing agencies, has made the following factual findings and conclusions:

1. All of the application materials and hearing exhibits were posted on the municipal website, and made available to members of the public, within the requisite timeframe, in advance of the hearing. Members of the public were provided with instructions on how to access said

materials and participate in the scheduled hearing both via the web-based meeting platform and telephonically, if necessary.

2. All Board Members and Board Professionals and staff participated in the hearing through the web-based platform and were able to perceive the Applicant and the Applicant's professionals, both visually and audibly, in real time.

3. The Property is located within the B-3 Regional Commercial Business Zone. The signage is for the European Wax Center, which is anticipated to occupy space adjacent to Verizon in the north corner of the Chester Springs Shopping Center (the "Shopping Center").

4. The Applicant proposes to install an attached business sign consisting of 25.9 square feet to be mounted in the sign band above the storefront. The proposed sign will have the message "European Wax Center" in two rows consisting of 14.25" high channel letters. The bottom ("Wax Center") row will be 117.5" in length and the top row ("European") will be slightly shorter in length. Channel letters will extend 7" from the exterior wall. The lettering will consist of internally illuminated LEDs located behind 3/16" thick white finish acrylic with a brushed aluminum cap around each letter. The Applicant also proposes to construct a 48" by 9", approximately three (3) square foot, perpendicular blade sign with the business name attached to the ceiling of the pedestrian walkway in front of the store. The proposed blade sign will replace an existing sign attached to the existing panel for the tenant space.

5. The Applicant's proposal is depicted on plans prepared by Effective Sign Works, dated August 25, 2020, unrevised, same consisting of two (2) sheets.

6. The requested variance for the proposed signage is governed by the criteria of N.J.S.A. 40:55D-70(c).

7. Mark Blount, Esq., entered his appearance on behalf of the Applicant. He explained that the Applicant is seeking variance relief for a proposed sign with a sign area of 25.9 square feet, whereas the maximum permitted sign area is 15 square feet.

8. David J. Banisch, A.I.C.P., P.P., the Board Planner, and Steven B. Bolio, P.E., C.M.E., the Board Engineer, both were duly sworn according to law.

9. The Board reviewed the Applicant's request for checklist waivers as set forth in Mr. Ferriero's October 28, 2020 Review Letter, and granted the requested relief in accordance with the advice received from the Mr. Bolio, thereby deeming the application complete.

10. Dipali Patel, Principal of the Applicant LLC, having a business address of 173 Route 206, Chester, New Jersey, was duly sworn according to law. Ms. Patel testified that European Wax Center is a salon that provides hair removal services. She explained that the proposed location would be her 38<sup>th</sup> location nationwide. She further explained that she also owns the Massage Envy located in the Shopping Center. Ms. Patel testified that the proposed signage is consistent with the signage design required by the franchisor. She further testified that the proposed location has been vacant for approximately eight (8) months.

11. Michael Sonlin of Effective Sign Works/Mag Signs, Inc., having a business address of 1208 Columbus Road, Suite F, Burlington, New Jersey, was duly sworn according to law. Mr. Sonlin introduced into evidence, as **Exhibit A-1**, the signage plans dated August 25, 2020, unrevised, same consisting of two (2) sheets. He testified that the proposed sign is 25.9 square feet, which is less than 10% of the façade, which would be 42.70 square feet. Mr. Sonlin further testified that the Massage Envy signage is approximately 22.2 square feet and the Verizon signage is approximately 29.16 square feet.

12. Mr. Sonlin testified that the signage is located 350 feet from Route 206 and approximately 454 feet from the entrance to the European Wax Center. He explained that the proposed lettering will be 14.24" tall and will be internally illuminated with LED style lights, consistent with the other signage in the Shopping Center. Mr. Sonlin further explained that the LED lighting will be approximately 170 lumens/watts or approximately 650 lumens per letter and will give off a white light. He testified that the blade sign would also be consistent with the existing signage in the Shopping Center.

13. The Applicant stipulated, as a condition of approval, to installing a dimmer switch for the proposed signage to allow the Applicant to adjust/dim the level of illumination if same is determined to be too bright after an inspection by the Borough Engineer. The Applicant further stipulated that there would be no light spillage from the proposed signage. The Applicant testified the business would be open until 9:30 pm on weekdays (Monday – Friday) and until 6 pm on weekends. On discussion, the Applicant stipulated that the signage would be turned on one hour before dusk (sunset) and turned off one hour after the close of the business.

14. The Applicant stipulated, as a condition of approval, to repairing any damage to the building façade associated with the removal of the existing signage and/or the installation of the new signage.

15. No member of the public commented on, or objected to, the Applicant's proposal.

### **DECISION**

16. After reviewing the evidence submitted, the Board, by a vote of 9 to 0, finds that the Applicant has satisfied its burden of proving an entitlement to the requested variance relief for the proposed sign area, pursuant to N.J.S.A. 40:55D-70(c)(2).

17. The Board finds that the Applicant has satisfied the positive criteria for “c(2)” or “flexible c” variance relief for the proposed nonconforming sign area by demonstrating that the purposes of the MLUL will be advanced by the requested deviations from the zoning requirements, and that the benefits to be derived therefrom will substantially outweigh the modest detriment associated therewith. In this regard, the Board finds that the proposal advances the purposes set forth in subsections (a), (h), and (i) of Section 2 of the Municipal Land Use Law (“MLUL”) in that it promotes the public health, safety, morals and general welfare; encourages the free flow of traffic; and promotes a desirable visual environment, respectively. Here, the Board concurs with the Applicant’s witness that the proposed signage does not exceed 10% of the area of the façade of the building to which it is attached (42.70 square feet), is aesthetically pleasing, improves tenant identification and wayfinding, and is more consistent with the existing signage in the Shopping Center, particularly since the signage will fit within the ivory band along the top of the wall. The Board finds that the relatively modest detriment associated with granting the requested sign area relief is sufficiently mitigated by the conditions stipulated to by the Applicant, such that the benefits to be derived therefrom substantially outweigh the modest detriment associated therewith.

18. As to the negative criteria for the subsection “c(2)” bulk variance relief, the Board finds that the Applicant has demonstrated that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan or zoning ordinances. The Board considers, as to the first prong of the negative criteria, that the total sign area of the proposed signage will not be substantially inconsistent with the existing signage at the Shopping Center, and that the relatively modest detriment is mitigated by the conditions stipulated to by the Applicant, as set forth below. The Board also recognizes that no member of the public objected to the application. As to the second prong of the negative criteria,

the Board recognizes that the tenant identification signage is permitted and that the magnitude of the bulk variance relief sought is relatively modest, such that it certainly does not rise to the level of constituting a rezoning of the Property.

WHEREAS, the Board took action on this application and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Chester, on the \_\_\_\_ day of \_\_\_\_, 2020, that the application of **CHESTER EWC, LLC d/b/a EUROPEAN WAX CENTER**, for variance relief as aforesaid, be and is hereby granted, subject to the following conditions:

1. The Applicant shall post sufficient funds with the Borough to satisfy any deficiency in the Applicant's escrow account;
2. The lighting for the signage shall be turned on one hour before sunset and turned off not later than one hour after the close of the business;
3. The Applicant shall install a dimmer switch for the proposed signage illumination to allow the Applicant to adjust/dim the level of illumination if same is determined to exceed the maximum permitted level of illumination as determined by the Borough Engineer after an inspection;
4. Any approval granted by the Board is conditioned upon a post-construction lighting inspection by the Board Engineer. If levels of illumination emitted by the sign are found to be inconsistent with other Shopping Center business lighting, the Applicant shall adjust the level of illumination to be consistent with the existing lighting in the Shopping Center;
5. The Applicant shall ensure that the proposed signage does not result in light spillage and same shall be subject to the review and approval of the Borough Engineer;
6. The Applicant shall repair any damage to the building façade associated with the removal of the existing signage and/or the installation of the new signage, and same shall be subject to the review and approval of the Borough Engineer;
7. The Applicant shall install the signage in accordance with the details set forth on the plans and as testified to during the hearing. The Applicant shall ensure that the signage is centered vertically and horizontally within said ivory cinderblock

portion of the wall as presented on the aforementioned sign exhibit, and all of the aforementioned shall be subject to the review and approval of the Borough Engineer;

8. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;
9. The aforementioned approval also shall be subject to all State, County and Borough statutes, ordinances, rules and regulations affecting development in the Borough, County and State, including but not limited to NJDEP regulations and permit requirements; and
10. Pursuant to Section 163-77.E.(8) of the Ordinance, any variance relief granted by the Land Use Board permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within nine (9) months from the date of entry of the judgment or determination of the Land Use Board.

ROLL CALL VOTE:

Those in Favor:

Those Opposed:

The foregoing is a true copy of a Resolution adopted by the Land Use Board of the Borough of Chester at its meeting on December \_\_, 2020.

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KERRY BROWN, Secretary  
BOROUGH OF CHESTER  
LAND USE BOARD

Dated: December \_\_, 2020

BOROUGH OF CHESTER  
50 NORTH ROAD  
CHESTER NJ 07930  
908-879-3660 X 2123  
www.chesterborough.org

**LAND USE DEVELOPMENT APPLICATION**

Submission Date: \_\_\_\_\_ Application No.: \_\_\_\_\_

**FOR OFFICE USE ONLY**

TAXES PAID YES/NO \_\_\_\_\_ (INITIAL)

FEES \$ \_\_\_\_\_ PROJ. # \_\_\_\_\_

ESCROW \$ \_\_\_\_\_ ESCR. # \_\_\_\_\_

**1. APPLICANT**

Name: Manjit Bajwa

Address: 8 Peach Tree Lane

City: Chester State: NJ Zip: 07930

Phone: ( 973 ) 202-8284 Fax: ( ) \_\_\_\_\_

Email: manny026@icloud.com

Interest in Property: Owner

**2. OWNER**

Name: Catherine McLaughlin

Address: 8 Rogers Road

City: Far Hills State: NJ Zip: 07931

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

**3. TYPE OF APPLICATION (check all that apply)**

- ☐ Minor Subdivision
- ☐ Preliminary Major Subdivision <sup>1</sup>
- ☐ Final Major Subdivision
- ☐ Minor Site Plan
- ☒ Preliminary Major Site Plan <sup>1</sup>
- ☒ Final Major Site Plan
- ☐ Amended Plan
- ☐ Site Plan Walver
- ☐ Concept Plan

- ☐ Interpretation <sup>1</sup>
- ☐ Appeal of Administrative Officer's Decision
- ☐ Certificate of Non-Conformity
- ☐ Use (d) Variance <sup>1</sup>
- ☒ Bulk (c) Varlance <sup>1</sup>
- ☐ Conditional Use <sup>1</sup>
- ☐ Street Vacation Request
- ☐ Rezoning Request <sup>1</sup>
- ☐ Other: \_\_\_\_\_

<sup>1</sup> Legal advertisement and notice is required to all property owners within 200 feet.

**4. ATTORNEY (A corporation, partnership, limited liability company or partnership must be represented by a New Jersey Attorney)**

Name: Law Office of Mark A. Blount, LLC

City: Chester State: NJ Zip: 07930

Address: 444 Main St.

Phone: ( 908 ) 879-8225 Fax: ( 908 ) 879-8235

Email: mblount@blountlawoffice.com



**5. APPLICANT'S PROFESSIONALS (Engineer, Surveyor, Planner, etc.)**Name: Michael J. Roth, P.E., P.P. of Roth Engineering, LLCProfession: EngineerAddress: 52 Quail RunCity: Long Valley State: NJ Zip: 07853Phone: ( 973 ) 715-7427 Fax: ( )Email: mike@rothengineers.comName: William Byrne of Byrnes Design Associates Inc.

Profession: \_\_\_\_\_

Address: 10 Main St.City: Chester State: NJ Zip: 07930Phone: ( 908 ) 879-0996 Fax: ( )Email: williambyrne@aol.com**6. LOCATION OF PROPERTY**Street Address: 128 Main St., Chester, NJ 07930Block(s): Lot(s): Block 123 Lots 1 & 2Zoning District: B-1 (Historic Business)

Historic District: \_\_\_\_\_

**7. LAND USE**Existing Use: Retail (Pool Store) on First and Second Floorsc. Proposed Use (be specific): General Store/Market on first floor and Three (3) apartment units on the second floor**8. PROPERTY**Number of Existing Lots: 2Number of Proposed Lots: 1

Are there Existing Deed Restrictions or Easements?

**Proposed Form of Ownership:**☒ Fee Simple ☐ Condominium☐ Rental ☐ Cooperative

Are there Proposed Deed Restrictions or Easements?

☒ No ☐ Yes (please attach copies)☒ No ☐ Yes (please attach copies)**9. UTILITIES (check all that apply)**☐ Public water☐ Public sewer☐ Private well☒ Private septic system**10. PREVIOUS APPLICATIONS**

List all previous or pending applications for this parcel (use additional sheets if necessary): \_\_\_\_\_

None

**11. ZONING SCHEDULE (complete all that apply)**

Minimum Lot Requirements:	Required	Existing	Proposed
Lot Area:	Required: 0.25 acres	Existing: 19,001 SF/0.44 acres	Proposed: No change proposed
Lot Width:	Required: 100 Ft.	Existing: 265.6 Ft.	Proposed: No change proposed
Lot Depth:	Required: 75 Ft.	Existing: N/A corner lot	Proposed: No change proposed
Lot Coverage:	Required: Max 50%	Existing: 24.4%	Proposed: 22.9%
Impervious Coverage:	Required: Max 70%	Existing: 94.4% (pre-existing non conforming condition)	Proposed: 68.4%

Yard Requirements:	Existing:		
Principal Building	<0 Ft. (pre-existing non conforming condition)		
Front Yard:	1.1 Ft. Into Main St. Right of Way	Required: 10 Ft.	Proposed: No change proposed
One Side Yard:	11.5 Ft. Into Budd Avenue Right of Way	Existing: 265.6 Ft.	Proposed: No change proposed
Both Sides:		Required: 5 Ft.	Proposed: No change proposed
Rear Yard:		Existing: 129.6 Ft.	Proposed: No change proposed
		Required: 20 Ft.	Proposed: No change proposed
		Existing: N/A corner lot	Proposed: No change proposed

**Accessory Building**

Front Yard:	N/A		
Side Yard:			
Rear Yard:			

Is the property a corner lot? ☒ Yes ☐ No

Signage Requirements:	Permitted: Max area of 15 Sq. Ft.,	Existing: two existing signs attached to the building that exceed 15 Sq. Ft.	Proposed:
Facade Sign area 1:	shall not exceed 10% of the area of the face of the building	(Pre-existing non conforming condition)	No change Proposed
Facade Sign area 2:			
Facade Sign area 3:			

**12. PARKING & LOADING REQUIREMENTS**

Number of Parking Spaces REQUIRED:	25	Number of Loading Spaces REQUIRED:	1
Number of Parking Spaces PROVIDED:	25	Number of Loading Spaces PROVIDED:	1

**13. RELIEF REQUESTED (check all that apply)**

- ☒ Zoning Variances are requested.
- ☐ Exceptions from Municipal Requirements are requested (N.J.S.A. 40:55D-51).
- ☐ Exceptions from New Jersey Residential Site Improvement Standards (R.S.I.S.) are requested (N.J.A.C. 5:21-3.1).
- ☐ Waivers from New Jersey Residential Site Improvement Standards (R.S.I.S.) are requested (N.J.A.C. 5:21-3.2).

Requires application to and approval of the New Jersey Site Improvement Advisory Board.

For any type of the above relief requested, a separate exhibit should be attached stating the factual basis, legal theory, and/or previously granted relief.

**14. SIGNATURE OF APPLICANT**

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or that I am an Officer of the Corporate applicant and authorized to sign the application for the Corporation, or a General Partner of the partnership application.

SWORN & SUBSCRIBED to before me this	
19 <sup>th</sup> day of August, 2020 (year)	
(notary)	

<u>Manjit Bajwa</u>	DATE
SIGNATURE (applicant)	
Manjit Bajwa	
PRINT NAME	

ASHLEY M BACK
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES NOVEMBER 9, 2022

**Variance Summary**  
**Block: 123 Lots: 1 & 2**  
**Chester Borough**

Applicant seeks variances from the Land Use Board pursuant to N.J.S.A. 40:55D-70.c. The Variances requested are supported by both sections 70.c.(1) and 70.c.(2). The subject property has a pre-existing non-conforming front yard setback which is not altered; a pre-existing non-conforming front yard loading area which is not altered; a pre-existing non-conforming parking buffer area which the non-conformity is being decreased; and pre-existing non-conforming signage that is not being changed.

Under section 70.c.(1) the Board may find that due to the peculiar and exceptional practical difficulties to or exceptional and unique hardship upon the applicant arising from the exceptional narrowness, shallowness, or shape of the property or by reason of exceptional topographic conditions uniquely affecting the property or by reason of extraordinary or an exceptional situation uniquely affecting the specific property and structures lawfully existing thereon.

Under section 70.c.(2) the Board may find that due to a unique situation on a specific piece of property, the purposes of the municipal land use law would be advanced by the requested deviation and that the variance can be granted without substantial detriment to the public good. Further the Board may find that the benefits of granting the variance outweigh the detriments and the variance will not substantially impair the zone plan or ordinance.

Under both section 70.c.(1) and section 70.c.(2) the Board should find that the proposed variances can be granted without substantial detriment to the public good nor will the granting of the variances substantially impair the intent and purposes of the zone plan and the zoning ordinances of the Municipality. The relief sought relates to pre-existing non-conforming conditions that are not being altered and have existed for years without detriment.

**15. CONSENT OF OWNER**

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and the approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a Corporation, a resolution must be attached authorizing the application and officer signature).

MARIA POLLARD

NOTARY PUBLIC OF NEW JERSEY

Commission Expires 3/10/2022

SWORN & SUBSCRIBED to before me this

18 day of August, 2020 (year)

(notary)

SIGNATURE (owner)

DATE

Catherine McLaughlin

PRINT NAME

**16. DISCLOSURE STATEMENT (circle all that apply)**

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

Is this application to subdivide a parcel of land into six (6) or more lots?

Yes

☐ No

Is this application for a variance to construct a multiple dwelling of twenty-five (25) or more units?

Yes

☐ No

Is this application for approval of a site (or sites) for non-residential purposes?

☒ Yes

☐ No

Is the applicant a corporation?

Yes

☐ No

Is the applicant a limited liability corporation?

Yes

☐ No

Is the applicant a partnership?

Yes

☐ No

If you responded YES to any of the above, please answer the following (use additional sheets if necessary):

List the names and addresses of all stockholders or individual partners owning at least 10% in stock of any class or at least 10% of the interest in partnership (whichever is applicable).

Does a corporation or partnership own 10% or more of the stock in this corporation or partnership? If yes, list the names and addresses of stockholders of that corporation holding 10% or more of the stock or 10% or greater interest in that partnership (whichever is applicable). This requirement is to be followed by every corporate stockholder or partnership, until the names and addresses of the non-corporate stockholders and individual partners with 10% or more ownership have been listed.

SIGNATURE (applicant)

DATE

**17. SURVEY WAIVER CERTIFICATION**

As of the date of this application, I hereby certify that the survey submitted with this application, under the date of 8-19-20, 2020 shows and discloses the premises in its entirety, described as Block(s) 123 Lot(s) 1 & 2; and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

Manjit Bajwa

of full age, being duly

PRINT NAME

SWORN & SUBSCRIBED to before me this

19 day of August, 2020 (year)

ASHLEY M BACK

NOTARY PUBLIC

STATE OF NEW JERSEY

MY COMMISSION EXPIRES NOVEMBER 9, 2022



Paul W. Ferriero, PE, PP, CME, LEED AP, CFM  
Robert C. Brightly, PE, PP, CME

Steven B. Bolio, PE, CME  
Mark S. Denisiuk, PE, CME, LEED AP  
Joseph S. Kosinski, PG, CFM, LEED AP  
C. Richard Quamme, PE, CME  
Jess H. Symonds, PE

Kerry Brown, Secretary  
Chester Borough Land Use Board  
50 North Road  
Chester, New Jersey 07930

November 24, 2020

Re: Amended Preliminary & Final Site Plan and Variance Application  
128 Main Street  
Block 123, Lots 1 & 2  
Our Project No. 20CB205

Dear Kerry:

The applicant for the above referenced project is seeking amended preliminary and final major site plan and variance approval. The application proposes a general store/market on the first floor of the existing building that is proposed to be renovated and three apartments on the second floor. Proposed site improvements include a new twenty-two (22) space parking lot, a new refuse area and associated appurtenances. The property is located within the B-1 Historic Business Zone and the Historic Preservation District Overlay. The following materials have been reviewed in support of the application.

1. Land Development Application.
2. Land Use Board Checklist.
3. Cover letter prepared by Mark A. Blount, Esq. dated October 22, 2020.
4. Preliminary and Final Major Site Plans consisting of seven sheets, prepared by Roth Engineering, Long Valley, NJ, dated August 5, 2020 and revised October 19, 2020.
5. Architectural Plans consisting of four sheets, prepared by William Byrne, Architect dated August 31, 2020.
6. Morris County Soil Conservation District certification dated August 26, 2020.
7. Stormwater Management Letter dated September 30, 2020 prepared by Michael J. Roth, PE, PP.
8. Easement Deed dated July 18, 1969.
9. Survey of Property for 128 Main Street dated May 18, 2020 prepared by Arthur J. Schappell, Jr., PLS.

A review of the above documents results in the following comments for Board's consideration. Items not identified below can be assumed to be complete.

***Major Preliminary & Final Site Plan and Variance Checklist:***

- Checklist Item (1) Application form along with filing and escrow fees – *We defer to the Board Secretary with respect to the fees.*

Re: Amended Preliminary & Final Site Plan and Variance Application

128 Main Street

Block 123, Lots 1 & 2

Our Project No. 20CB205

- Checklist Item (3) Tax certification – *The Applicant indicates this is complete, however the information was not included for our review. We defer to the Board Secretary on completeness.*
- Checklist Item (5) Shade Tree Commission submission – *The Applicant indicates this is complete, however the information was not included for our review. A waiver is recommended for completeness.*
- Checklist Item (7) copies of applications to Morris County Planning – *The Applicant indicates this is complete, however the information was not included for our review. A waiver is recommended for completeness.*
- Checklist Item (22) Tax map sheet no. – *The applicant indicates this is complete however the tax map information was not provided. A waiver is recommended for completeness.*
- Checklist Item (24) The locations and dimensions of all existing improvements. Indication of structures to remain and to be removed with spot elevations and setbacks of such structures. Location of all existing structures including railroads, bridges, culverts, drain pipes and other man-made installations and wooded areas within 200 feet of the property boundary. – *The applicant indicates this is complete, however the information was not provided within 200 feet. Based on the scope of the application, a waiver is recommended for completeness.*
- Checklist Item (25) The location of all existing storm drainage structures and utility lines on and within 200' of the site. – *The applicant indicates this is complete, however the information was not depicted within 200 feet. A waiver is recommended for completeness.*
- Checklist Item (26) Landscape plan prepared by landscape architect. – *The applicant indicates this is complete. The landscape plan was prepared by the engineer. A waiver is recommended for completeness.*
- Checklist Item (34) Required front, side and rear setback lines for property and within 200'. – *Applicant indicates this is complete. The information has not been provided within 200 feet. A waiver is recommended for completeness.*
- Checklist Item (36) Proposed signage. – *The Applicant indicates this is complete. The application indicates there will be no change to the two existing signs attached to the building, while the plans indicate the signs will remain and be updated per new business name. A waiver is recommended for completeness.*
- Checklist Item (40) Existing drainage within 500 feet of any boundary. – *The applicant has requested a waiver for not providing the information within 500 feet. A waiver is recommended for completeness.*
- Checklist Item (42) Contiguous streets with profiles, cross sections – *The applicant has requested a waiver. Based on the scope of the application, a waiver is recommended*
- Checklist Item (47) Letter of Interpretation or Presence or Absence Determination from the NJDEP concerning freshwater wetlands. – *The applicant has requested a waiver. Based on the scope of the application, a waiver is recommended.*

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128 Main Street  
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- Checklist Item (48) Board of Health approval indicating the proposed lot can adequately accommodate a septic system – *The applicant has requested a waiver. To the extent required, a waiver is recommended for completeness. The plans depict a new septic system being proposed. Any approval should be conditioned upon approval from the Board of Health.*
- Checklist Item (54) As-built survey. – *The applicant has requested a waiver. A waiver is recommended for completeness.*
- Checklist Item (56) Plan of all utilities together with a cost estimate of the installation of all public and non-public improvements to be installed. – *The applicant has requested a waiver. Based on the scope of the application, a waiver is recommended.*
- Checklist Item (61) Traffic Impact Statement. – *The applicant has requested a waiver. A waiver is recommended for completeness.*
- Checklist Item (62) Land disturbance permit application. – *The applicant has requested a waiver. A waiver is recommended for completeness. Any approval should be conditioned upon the land disturbance permit application being submitted.*

Subject to the Board granting the above waivers, the application can be deemed complete.

The following technical comments are offered for the Board's consideration:

1. The applicant should provide an overview of the project for the Board.
2. The owner's certification should be signed on the cover sheet.
3. The application indicates there will be no change to the existing front yard building setback measured along Main Street (Morris County Route 513), which the plans depict an existing 1.1 foot encroachment into the right-of-way. The plans depict a proposed two (2) foot overhang encroaching into Main Street, which requires a variance.
4. Section 163-81A specifies "Parking and/or loading areas of any size area may not be extended to the property lines. A minimum five-foot buffer will be provided along the lot lines. This area shall not be impervious and shall be maintained as lawn with appropriate shrubbery and/or shade trees." The variance summary indicates a preexisting non-conforming parking buffer that is being reduced. Clarification is required. The plans depict a new parking lot being constructed within three feet of the easterly property line, in a location where parking does not currently exist (the survey depicts lawn area along the easterly property line). It appears a variance is required.
5. The variance summary submitted with the application form indicates a variance is required for a pre-existing non-conforming front yard loading area that is not being changed. Section 163-83 specifies "Nonresidential zones and uses. Every structure erected, designed or altered for occupancy for any permitted commercial or business use as permitted in this chapter shall provide, at the side or rear of its lot, access and space for the loading and unloading of delivery trucks which shall be accessible from public and

Re: Amended Preliminary & Final Site Plan and Variance Application  
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Our Project No. 20CB205

private alley or other way to be used for such purpose. There shall be a minimum loading space provided of 250 square feet for every 25 feet of principal store frontage to be measured along that side of the structure which provides the primary means of access to the public.”

6. The loading area is depicted as having access from Budd Avenue and will be located in front of a proposed retail refuse enclosure. It appears the orientation of the loading space is being altered. Curbing is also proposed which will help define the space. The zoning table indicates the proposed loading space size is being reduced in size from 550 sf to 426 sf (388 sf required based on the calculation in the zoning table). It appears a portion of the loading space area shown in the zoning table is located within the Budd Avenue right-of-way. It is also noted the existing garage doors in the area of the loading space will be removed. It appears a variance is required for the loading area (location and size; approximately 204 sf outside the right-of-way of Budd Avenue).
7. We defer additional comments relative to variances to the Board Planner.
8. Testimony should be provided on the hours of operation and anticipated number of employees.
9. The plans note an outdoor patio area is proposed for tables and chairs. Testimony should be provided on the anticipated use of the general store/market and whether it is intended to provide food service to customers.
10. The plans indicate 25 parking spaces are required and provided, with 22 spaces being located within the new parking lot at the easterly side of the building, and 3 existing spaces located at the westerly side of the building. Based on the geometry of the lot, it appears at least 2 of these 3 parking spaces on the westerly side of the building would be located within the right-of-way of Budd Avenue. The spaces should be delineated on the plans. We defer to the Board Planner on whether a parking variance would be required for not providing 25 off street parking spaces on the subject property.
11. The Borough recently received an NJDOT Local Aid Grant for improvements to the Main Street/Budd/Grove intersection. The proposal will result in a wider area at the point of the “triangle”. This will help with the spacing of the parking stalls on the west side of the building, however no lot lines are proposed to be moved therefore any variances associated with parking in the rights of way would remain.
12. A calculation of the gross floor area used within the parking analysis should be provided.
13. The residential use should have the parking requirements calculated based on RSIS. The total required parking should then be compared to that which is provided to determine any parking variance.
14. The plans depict an existing well and water line from the well located within right-of-way of Budd Avenue that serves the existing building. The plans indicate the renovated building will be serviced by the existing private well. Documentation should be provided regarding the capacity of the well and whether it will has the capacity to serve the proposed retail use and three apartments.



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15. The loading space and refuse enclosure location will require delivery trucks and garbage trucks to back up onto Fairmount Avenue in order to access/depart the space. A plan depicting wheel turning movements for delivery trucks and garbage trucks should be provided for the Board's review.
16. Testimony needs to be provided on the anticipated size and frequency of delivery trucks that will serve the site.
17. The Board should consider a prohibition to loading and unloading taking place within a public street as a potential condition to any favorable resolution.
18. Additional information with respect to the signage (size, color etc.), should be provided to the Board. The applicant should also confirm whether the existing lighting for the signs will remain or will be replaced. Details for the existing/proposed lighting for the signage should be provided on the plans
19. The plans depict the existing septic system to be abandoned. A portion of the existing septic system is located within the right-of-way of Budd Avenue. It is recommended that this portion of the septic system be completely removed from within the right-of-way. In addition, it is recommended that all existing improvements to be removed/abandoned within the Budd Avenue right-of-way be completely removed.
20. The plans shall note that there will be no onsite burial of trees, stumps, construction debris or materials.
21. The backfill of the pool areas and other improvements being removed should be performed under the supervision of a licensed engineer. Backfill should consist of structural backfill (dense graded aggregate) or other suitable material.
22. The front and side yard setback lines should be labeled on the plan.
23. A 2% (maximum) landing needs to be provided at the building entrance along the ADA route. Additional spot grades should be provided.
24. The easterly property line should be staked by a licensed land surveyor prior to any construction. A note requiring this should be placed on the plans.
25. The plans depict grading along the shoulder of Budd Avenue. The applicant should confirm whether the existing trees located within this area along Budd Avenue will remain after construction. The size and species of these trees should be provided.
26. We defer additional comments relative to landscaping to the Shade Tree Commission and the Board Planner.
27. The proposed pole mounted parking lot lighting should be aligned with the parking stall striping.
28. The mounting heights should be provided for all proposed light fixtures.
29. The luminaire schedule indicates the Type C lighting will have a color temperature of 4000K. It is recommended that a maximum of 3500K be used for a softer appearance.
30. The hours of illumination, including any security lighting should be provided on the plan.
31. A design waiver is required from Section 163-47(41)(e) which specifies "The maximum illuminance at any property line is 0.01 footcandle. Where the property abuts a right-of-way, this maximum light trespass may be measured at the curblin". Illumination levels

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- exceed the maximum permitted along the property lines. Testimony in support of the design waiver needs to be provided.
32. Any existing lighting that is to remain should be identified on the lighting plan and accounted for within the lighting analysis. If any existing lighting is intended to be removed, then a note to that effect should be provided on the lighting plan.
  33. The applicant should confirm whether the existing building mounted speakers will be removed or if they are intended to remain.
  34. Board of Health approval is required for the proposed septic system.
  35. The demolition plan indicates the existing chain link fence that runs between the corner of the building to the property corner along the existing paver sidewalk along Main Street will be removed. The chain link fence also extends along the easterly and southerly property lines, before turning into the site towards the rear of the building. The applicant should confirm whether all of the chain link fence will be removed.
  36. It is not clear based on the grading plan whether the site will be regraded to eliminate the existing drop off from the edge of the Main Street sidewalk/wall into the site (where the existing chain link fence is located). The modular retaining wall detail on the plans indicates the height for the top of the wall to the existing ground surface will vary. If the fence is removed, and the drop is to remain, then a new fence/barrier is recommended to be provided along the edge of the sidewalk/wall. The detail indicates that "for walls 30" or higher provide guard per IBC 1015" and a reference on the detail is to a fence. This location is a high traffic pedestrian area and any amount of drop off (less than 30") could pose a hazard to pedestrians. It is recommended that a fence/barrier be provided along the edge of the sidewalk/wall to replace the existing chain link fence that will be removed.
  37. The plans note a portion of the existing wall that is located along the edge of the Main Street sidewalk is to be removed. Proposed stairs and railing will be constructed in this same area. Additional detailing, including paver sidewalk restoration, should be provided.
  38. Water tight joints should be specified for the proposed storm sewer system.
  39. Correct the batter note (1'-6") on the granite block curb detail (1" batter).
  40. The reference to the meadow should be taken off the lawn detail.
  41. Hairpin striping should be specified for the proposed parking stalls in accordance with the ordinance definition of parking space.
  42. Cost estimates should be provided in order to determine bonding amounts (for improvements being removed within the Budd Avenue right-of-way), and also to determine the amount of inspection escrow.
  43. The architectural plans depict two gooseneck lights above the faux barn style doors along the Budd Avenue frontage. These fixtures have not been included on the lighting plan. The site plan and architectural plans need to be consistent with each other.

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44. Dimensions need to be provided on the architectural plans. Floor areas for the proposed retail space, and the proposed apartments should be provided on the plans. The building height should be dimensioned.
45. As noted in the stormwater management letter, the project does not meet the definition of a major development under the Borough stormwater control ordinance. The project does meet the definition of a minor stormwater development. The ordinance requires, for minor stormwater developments, soil erosion and sediment control measures to be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey. A copy of the Morris County Soil Conservation District certification dated August 26, 2020 has been provided by the applicant.
46. The runoff calculations show reductions in peak flow rates for the 2, 10 and 100 year storms based on the reduction in lot coverage.
47. An as-built plan should be provided prior to a certificate of occupancy being issued. This should be a condition of any favorable resolution.
48. Approval from the Morris County Planning Board should be a condition of any favorable resolution.

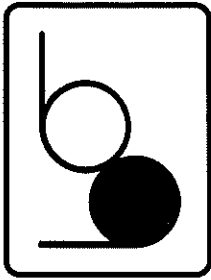
I trust the above comments are useful to the Board in its consideration of the application.

Very truly yours,



Paul W. Ferriero, PE, CME  
Borough Engineer

cc: Board Members  
Steven K. Warner, Esq.  
David Banisch, PP  
Mark A. Blount, Esq.  
Michael J. Roth, PE  
William Byrnes, Architect



December 4, 2020

Memorandum-

To: Don Hoven, Shade Tree Commission  
Borough of Chester

From: John A. Olivo, Bosenberg & Co. Landscape Architecture, LLA, ASLA

Project: 128 Main Street  
Block 123, Lots 1 & 2, Borough of Chester, Morris County, NJ

Subject: Preliminary and Final Major Site Plans- Landscape Review

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Our office conducted a site inspection on November 20, 2020 at 128 Main Street to review existing conditions. On this date, the existing trees and landscape were inspected in relation to the site plan package titled 'Preliminary and Final Major Site Plans for 128 Main Street, Block 123, Lots 1 & 2, prepared by Roth Engineering, dated 08/05/2020, last revised 10/19/2020. Our office received the plans digitally on 11/17/2020 and hardcopies were received 11/19/2020.

**Project Description:**

The current site (19,001 sf, .436 acres) was formerly the location of Pleasant Pools in the Historic Business Zone (B-1). The existing site has two swimming pools and three shed structures all adjacent to various concrete or paver patios. The applicant is requesting to install a new patio space, septic field and 22 stall parking lot which will support the renovated 2-story building located at the west side of the site.

**Existing Conditions Analysis:**

The proposed site improvements will require the removal of a 24" DBH Kwanzan Cherry, along Main Street (see image 1) and a 14" DBH Chamaecyparis (see image 3) located between Main Street and Budd Avenue on the applicants property. Trees identified along Budd Avenue in the right of way are a 36" DBH Sugar Maple, a twin leader ((two) 12" DBH) Norway Maple, a five leader Mulberry tree with leaders from 8" to 14" DBH and a 32" DBH White Pine (see image 2). These trees have all been severely pruned due to the overhead utility conflicts and are potentially hazardous and we recommend the three shade trees to be removed, the White Pine does offer scale to the streetscape and neighborhood and its condition should be reviewed by the Shade Tree Commission to determine preservation or removal. Along the eastern property boundary there is a 15" DBH Norway Maple and a 12" DBH Slippery Elm (see image 4), which both appear to be volunteer trees (not intentionally planted). The Norway Maple should be removed due to the fact it is an invasive tree and the elm should be removed to allow the Shade tree on the adjacent property to thrive.

Also, both trees have grown through and incorporated the chain link fence into their heart wood further compromising their structure. The Eastern Boundary line is currently buffered by an Arborvitae hedge located on the adjacent property to the east and does an excellent job of provided an all season visual buffer.

### Comments:

1. The applicant should provide the following information to come into compliance with the ordinance:

*§163-47 (33) A separate landscape plan prepared by a certified landscape architect (N.J.A.C. 13:27-7.3) drawn to scale of not more than 20 feet to the inch shall accompany the site plan*

*§163-47 (33) a. [2] Existing vegetation by location, botanical name and size. Identify all material to be removed.*

2. The landscape plan is located on sheet 5 of 7 of the drawing set which includes Four Red Maples, three shrub species; Viburnum plicatum, Ilex crenata and Ilex glabra.
3. We would strongly encourage that the applicant revise the landscape plan to embrace biodiversity with an emphasis on native trees and shrubs. The applicant should propose four different shade tree species. Hackberry, Swamp White Oak, Bur Oak, Black Gum and London Plane Tree (where the tree will grow near overhead wires) should be considered.

The submitted plan lacks any understory tree plantings. The applicant should amend the plan to include three understory trees into the plan. Serviceberry, River Birch, Eastern Redbud or Witch-hazel are recommended species to consider. We recommend these specimens be specified as multi-stemmed trees.

The same theme of biodiversity should be applied to the shrub selection. The applicant should amend the landscape plan to include an upright evergreen hedge such as Juniper 'Keteeri' along the patio space, between the patio and Main Street, that will provide privacy and a buffer. In addition, we suggest four additional shrub species in groupings of three to five along the Main Street (North) property line. Bayberry (Morella sp.), Henry's Garnett (Itea virginica), Fothergilla, Bottlebrush Buckeye (Aesculus) along with Ilex glabra would make for a varied border. This same idea of a varied shrub border should be considered along the Budd Avenue sidewalk to the south of the site and along the eastern property boundary. The planting should not interfere with safe sight triangle sight distance. We would recommend a low growing groundcover shrub such as Gro-Lo Sumac in sight triangles that provide egress onto Budd Avenue. Hardy native perennials should be added where possible throughout the site plan. (See Illustration 1 for sketch suggestions)

Implementing the above suggestions will bring the applicant more in-line with the intent of the ordinance.

*§163-47 (33) b. [1] Landscaping, which shall include trees, shrubs, lawns, ground cover, perennials, annuals, sculpture, art and the use of building and paving materials in an imaginative manner, shall be provided as part of the overall site plan design and integrated in building arrangements, topography, parking and buffering requirements.*

4. The current site plan does not meet the buffer width of five feet. We recommend that either the drive isle or the parking stall be slightly modified to provide the required buffer width. There is an existing evergreen buffer along a portion of the eastern property line, which is located on the adjacent property in the Office Transitional zone. Extreme care should be taken during construction not to damage the root zone of the existing evergreen hedge; tree protection should be specified and identified on the site plan for this existing hedge. The land use board should determine if the existing evergreen buffer on the neighboring property meet the buffer requirement. The applicant should explore the feasibility of meeting the following ordinance requirement:

*§163-49 -G. (5) Where an area required for a buffer is already wooded, it shall be left in its natural state, and the existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to the minimum requirements of this chapter.*

*§ 163-81- A. Green parking buffer and parking area landscaping.*

*A. Parking and/or loading areas of any size area may not be extended to the property lines. A minimum five-foot buffer will be provided along the lot lines. This area shall not be impervious and shall be maintained as lawn with appropriate shrubbery and/or shade trees.*

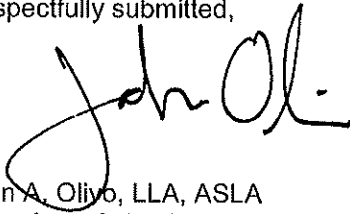
5. The applicant should update their deciduous tree planting detail to incorporate the following changes/ inclusions:
  - a. Incorporate commercially prepared mycorrhizae spores and fertilizer tablets into the soil immediately around the root ball at a rate specified by the manufacturer.
  - b. Replace tree wrap with a 48" inch rigid tree bark protector around the trunk of deciduous trees and understory trees where possible. Tree Bark Protectors- BG-46 (AM Leonard) or approved equal.
  - c. Prior to installation confirm the soils will drain properly. If necessary provide proper drainage.
  - d. Thoroughly soak the root ball and the adjacent prepared soil several times during the first month after planting and regularly throughout the following two growing seasons. When irrigation is not provided, it is recommended that gator bags are used to help facilitate the proper amount and rate of water are achieved. Gator bags should be installed at the beginning of each growing season and removed each fall. This will allow for the area beneath the gator bag to dry out reducing the growth of fungus and remove possible hiding spots for rodents. The gator bags will be removed at the end of the second growing season unless otherwise advised.

- e. Replace rubber hose and galvanized tree anchoring with Arbortie or approved equal.  
(Source: Gempliers.com or CSPOutdoors.com)
  - f. Update notes to provide a maximum of 2" of mulch, do not place mulch within 6" of the root flare
  - g. Add note: prior to digging the tree hole; removal all alien or excess soil to reveal the trunk flare of the tree to determine the depth of the hole.
  - h. Mark the north side of the tree in the nursery and locate to the north in the field
  - i. Remove wire basket completely
  - j. The tree planting pit shall be five times the root ball width. Cultivate, de-compact and amend soils as directed by the soil tests to bring composted organic matter content up to 5% dry weight.
  - k. Dig a wide shallow hole with tapered side
6. The applicant should update their shrub planting detail to incorporate the following changes and inclusions:
- a. For container grown trees use fingers or small hand tools to pull the roots out of the outer layer of potting soil, then cut or pull apart any root circling the perimeter of the container.
  - b. Incorporate commercially prepared mycorrhizae spores and fertilizer tablets in the soil immediately around the root ball at rate specified by the manufacturer.
  - c. Prior to installation confirm the soils will drain properly. If necessary provide proper drainage.
  - d. Thoroughly soak the root ball and the adjacent prepared soil several times during the first month after planting and regularly throughout the following two summers.
  - e. Update notes to provide a maximum of 2" of mulch, do not place mulch within 4" of the root collar
  - f. Prepare and amend the soil for the shrub planting areas from 12" to 18" deep, make the depth 4" deeper than the installed root ball.
  - g. Scarify the soil planting bed surface to allow binding to the new soils.
  - h. The shrub planting area shall be cultivated, de-compact and amended as directed by the soil tests to bring composted organic matter content up to 5% dry weight.
7. The applicant should define in more detail the proposed fence. The existing chain link fence should be replaced along Main Street and the eastern property line, but not installed where in conflict with the Arborvitae hedge.
8. The applicant should note that our office will be present during the preparation and installation of the approved landscape plan if the project is approved to ensure conformance to the submitted plan set.

Please see the images below of the existing conditions. All photos taken on November 20, 2020 unless otherwise noted.

This review memo is not meant to be exhaustive, but is instead intended to identify some of the more important issues.

Respectfully submitted,



John A. Olivo, LLA, ASLA  
Bosenberg & Co. Landscape Architecture

cc:     Shade Tree Commission  
         Zoning Officer  
         Borough Professionals  
         Land Use Board Attorney Esq.  
         Applicant's Engineer  
         Applicant's Attorney

e-mail  
e-mail  
e-mail  
e-mail  
e-mail  
e-mail



Image 1. View from Main Street to the East



Image 2: View from Budd Ave to the east.





Image 3: View from Budd Ave to the northeast.



Image 4: View from Budd Ave to the east.

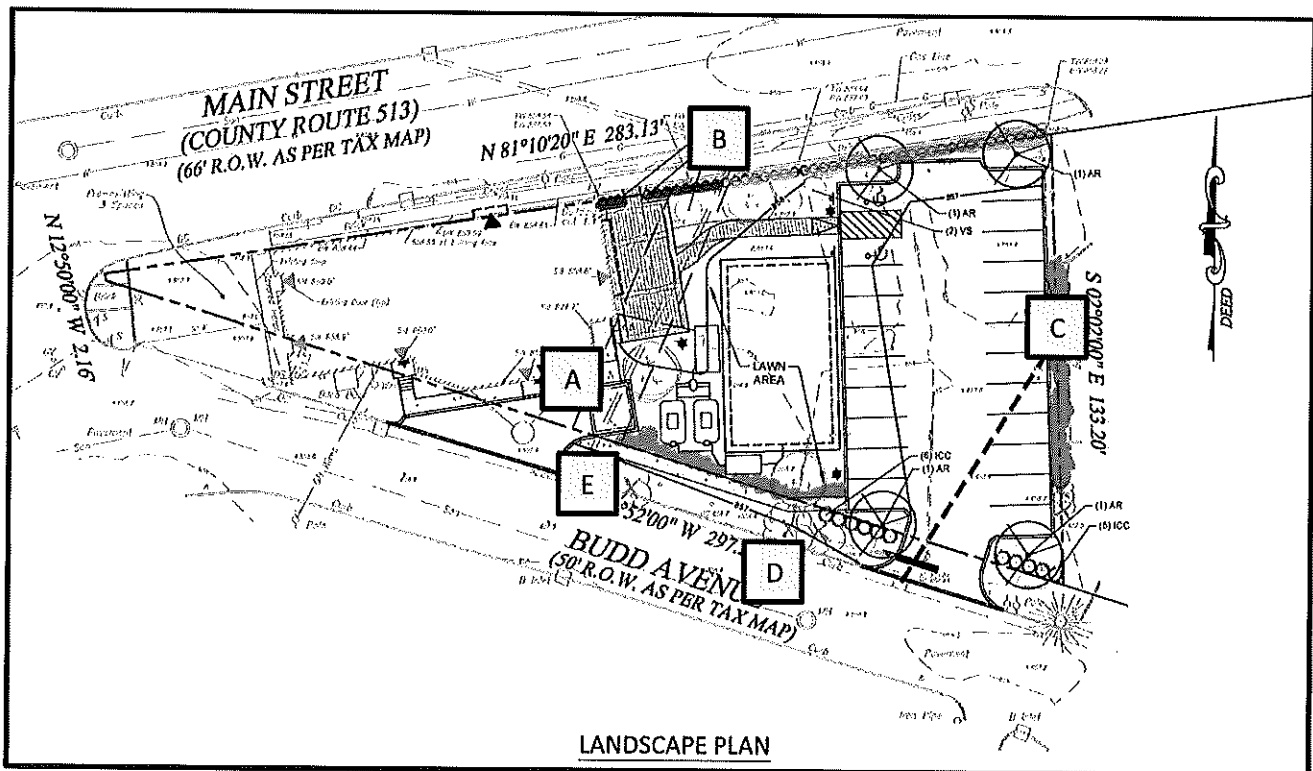


Illustration 1: Plan view markup of the landscape plan to identify suggested updates.

- A. Multi-stemmed understory tree locations (purple)
- B. Varied shrub border (multi-colored)
- C. Eastern boundary off-site evergreen buffer
- D. R.O.W. tree removals under the utility lines (red)
- E. Budd Avenue shrub planting (purple)

**CHESTER BOROUGH LAND USE BOARD  
AGENDA  
DECEMBER 10, 2020  
7:00 PM**

**YOU ARE INVITED TO A ZOOM WEBINAR.**

**WHEN: DEC 10, 2020 07:00 PM EASTERN TIME (US AND CANADA)**

**TOPIC: DECEMBER LAND USE BOARD MEETING**

**REGISTER IN ADVANCE FOR THIS WEBINAR:**

Register in advance for this webinar:

[HTTPS://US02WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_FD70IVRLTF2H-50L9RRSAQ](https://us02web.zoom.us/webinar/register/wn_fd70ivrltf2h-50l9rrsaq)

**Webinar ID 853 7726 2961**

After registering, you will receive a confirmation email containing information about joining the webinar.

**OR IPHONE ONE-TAP :**

**US: +19294362866,,84802601410# OR +13017158592,,84802601410#**

**OR TELEPHONE:**

**DIAL(FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):**

**US: +1 929 436 2866 OR +1 301 715 8592 OR +1 312 626 6799 OR +1 669 900 6833 OR +1  
253 215 8782 OR +1 346 248 7799**

**WEBINAR ID: 811 2867 3089**

**INTERNATIONAL NUMBERS AVAILABLE: HTTPS://US02WEB.ZOOM.US/U/KRTGT2AJG**

**CHESTER BOROUGH LAND USE BOARD**  
**AGENDA**  
**DEMBER 20, 2020**  
**7:00 PM**

**1. CALL TO ORDER**

**2. OPEN PUBLIC MEETINGS ACT**

Adequate notice of this meeting of the Chester Borough Land Use Board was given as required by the "Open Public Meetings Act" as follows: notice was sent to the Observer Tribune and the Daily Record, posted on the bulletin board in the Borough Municipal Building and posted on the Borough website and filed with the Borough Clerk. The Land Use Board will hold a regular meeting by web-based platform providing remote access as the meeting will be open to the public remotely. Details for public participation will be posted on the website at [chesterborough.org](http://chesterborough.org). Public can register at Zoom.us and to join:

[HTTPS://US02WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_FD70IVRLTF2H-50L9RRSAQ](https://us02web.zoom.us/webinar/register/wn_fd70ivrltf2h-50l9rrsaq)

**Webinar ID 853 7726 2961**

In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Zoom web-based virtual meeting room, they may contact the Board Secretary at [kbrown@chesterborough.org](mailto:kbrown@chesterborough.org) or 908-879-3660 x 2123

**3. SALUTE TO THE FLAG**

**4. ROLL CALL**

Janet Hoven  
Kerry Brown  
Stan Stevinson  
Anita Rhodes  
Adam Sorchini

Stanley Quintana, Alternate #2

Chris Heil  
Ken Kasper  
Don Storms  
Edd Creter  
Michael Ferrone, Alternate #1

Steven Warner, Board Attorney  
Steve Bolio, Board Engineer

David Banisch, Board Planner  
Sarah Jane Noll, Recording Secretary

**5. MINUTES**

**A. November 12, 2020**

**6. PUBLIC HEARING**

**A. Manjit Bajwa**

**128 Main Street Block 123, Lot 1&2**

Site Plan and variance application to convert existing structure into a general store/market and three apartments with site improvements (material mailed)

**7. RESOLUTIONS FOR ADOPTION**

**A. CPP Streets of Chester, LLC**

**160 US Hwy Route 206 South; Block 132, Lot 3, Zoning B-3 (historic overlay)**

Amended site plan/variance application to erect two freestanding signs (material mailed)

**B. Chester EWC, LLC**

**173 Route 206 North, Block 128, Lot 4, Zoning B-3 (historic overlay)**

Sign variance application to erect façade sign

**8. COMMUNICATION/DISCUSSION ITEMS**

**A. Proposed ordinance amendment regarding Shade Tree Commission**

**9. PUBLIC COMMENT**

**10. ADJOURNMENT**





  
**NORTH**


MAIN STREET  
(COUNTY ROUTE 513)

GROVE STREET

BUDD AVENUE

REFERENCE:  
AERIAL 2014-2015 HIGH RESOLUTION  
ORTHOGRAPHY OBTAINED FROM THE NEW  
JERSEY GEOGRAPHIC INFORMATION NETWORK.

DATE: 12/01/20  
PROJ.: 200512

SCALE: 1"=20'  


# 128 MAIN STREET EXISTING CONDITIONS AERIAL MAP

BLOCK 123, LOTS 1 & 2  
BOROUGH OF CHESTER, MORRIS COUNTY, NEW JERSEY





FRONT ELEVATION  
NOT TO SCALE

REPLACE EXISTING PORCH  
POSTS AND BRACKETS TO  
ORIGINAL DESIGN PER  
PHOTO DOCUMENTATION

UPPER LEVEL WINDOWS TO BE REMOVED  
AND REPLACED WITH "ANDERSEN" 400 SERIES  
DOUBLE-HUNG UNITS WITH EXTERIOR APPLIED  
GRILLS (SIMULATED DIVIDED LIGHT)

EXISTING BRICK  
VENEER TO BE  
REMOVED -  
NEW WOOD  
PANELS



MAIN STREET ELEVATION  
NOT TO SCALE

NEW BOARD AND BATTEN  
SIDING AS MAN. BY  
"JAMES HARDIE INC" -  
COUNTRYLANE RED

NEW ENTRY DOORS

EXISTING TRIM TO BE  
RESTORED OR REPLACED  
WITH "AZEK" PROFILES  
TO MATCH EXISTING

revision :

Byrne Design Associates LLC.  
architecture / design / planning

10 MAIN STREET • CHESTER, NEW JERSEY 07930  
PHONE (908) 878-0936  
WILLIAMBYRNEAIA@AOL.COM

PROJECT: 110 MAIN STREET  
CHESTER, NJ 07930

DATE: 12/08/20

JOB: 2003T

SCALE: NOTED

SHEET: 1

WILLIAM P. BYRNE | ARCHITECT  
NEW JERSEY | A 14692  
VIRGINIA | CO2835





REAR ELEVATION  
NOT TO SCALE

MAIN LEVEL DOORS  
AND WINDOWS TO  
REMAIN



EXISTING CLAPBOARD SIDING  
TO BE RESTORED OR REM.  
AND REPLACED WITH NEW  
CLAPBOARD SIDING AS MAN.  
BY JAMES HARDIE INC.

BUDD AVE. ELEVATION  
NOT TO SCALE

FAUX BARN STYLE  
DOORS

EXISTING  
GARAGE DOORS  
TO BE REMOVED

revision :

Byrne Design Associates LLC.

architecture / design / planning

10 MAIN STREET • CHESTER, NEW JERSEY 07930

PHONE (908) 878-0936

WILLIAMBYRNEAIA@AOL.COM

PROJECT: 110 MAIN STREET  
CHESTER, NJ 07930

DATE: 12/08/20

JOB • 2003T

SCALE: NOTED

SHEET •

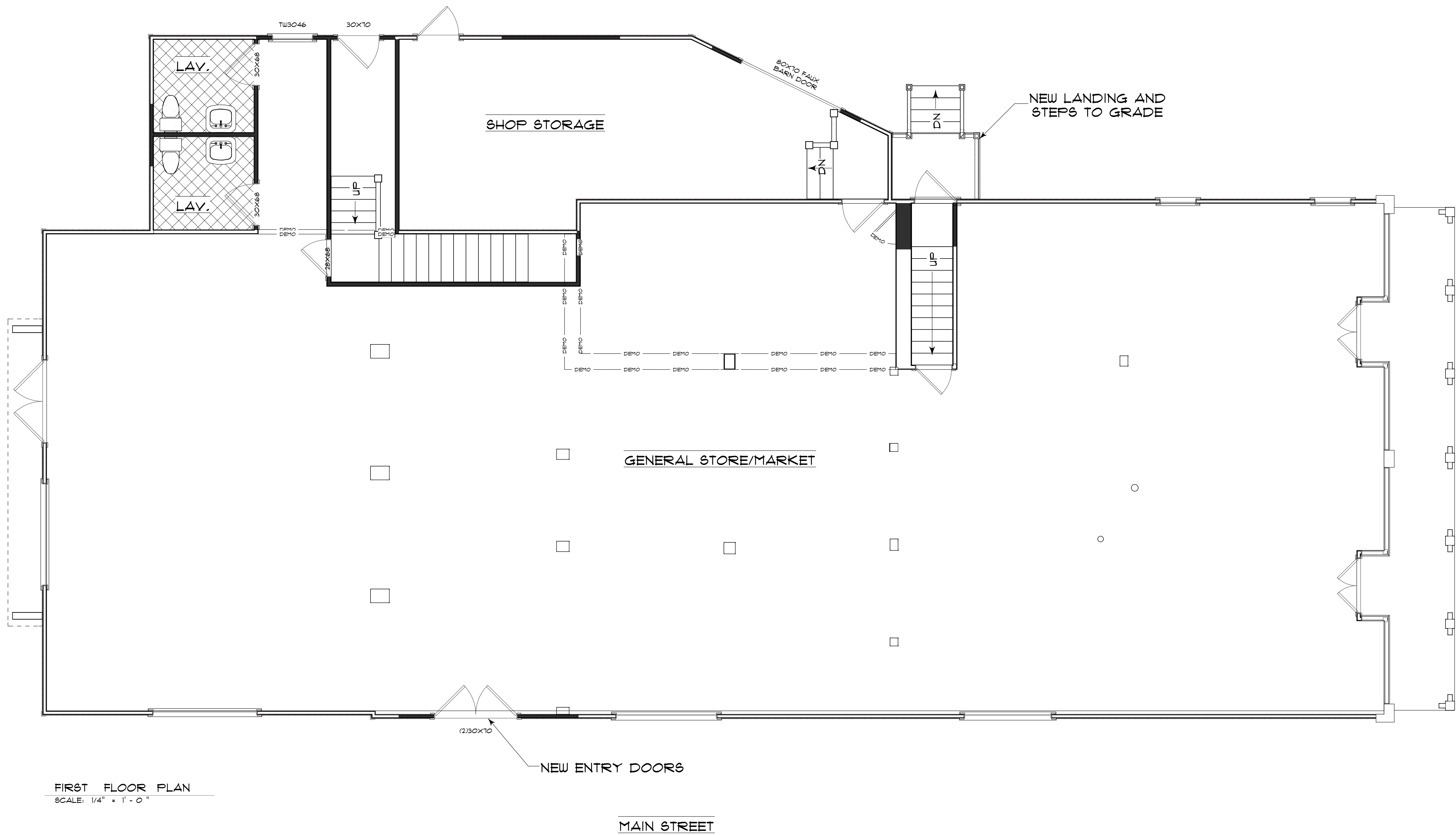
2

WILLIAM P. BYRNE / ARCHITECT

NEW JERSEY T.A. 14692

VIRGINIA T.C. 00935





FIRST FLOOR PLAN  
SCALE: 1/4" = 1' - 0"

Byrne Design Associates LLC.  
architecture / design / planning

10 MAIN STREET • CHESTER, NEW JERSEY 07930  
PHONE (908) 879-0936  
WILLIAMBYRNEAIA@AOL.COM

PROJECT: 110 MAIN STREET  
CHESTER, NJ 07930

DATE: 12/08/20

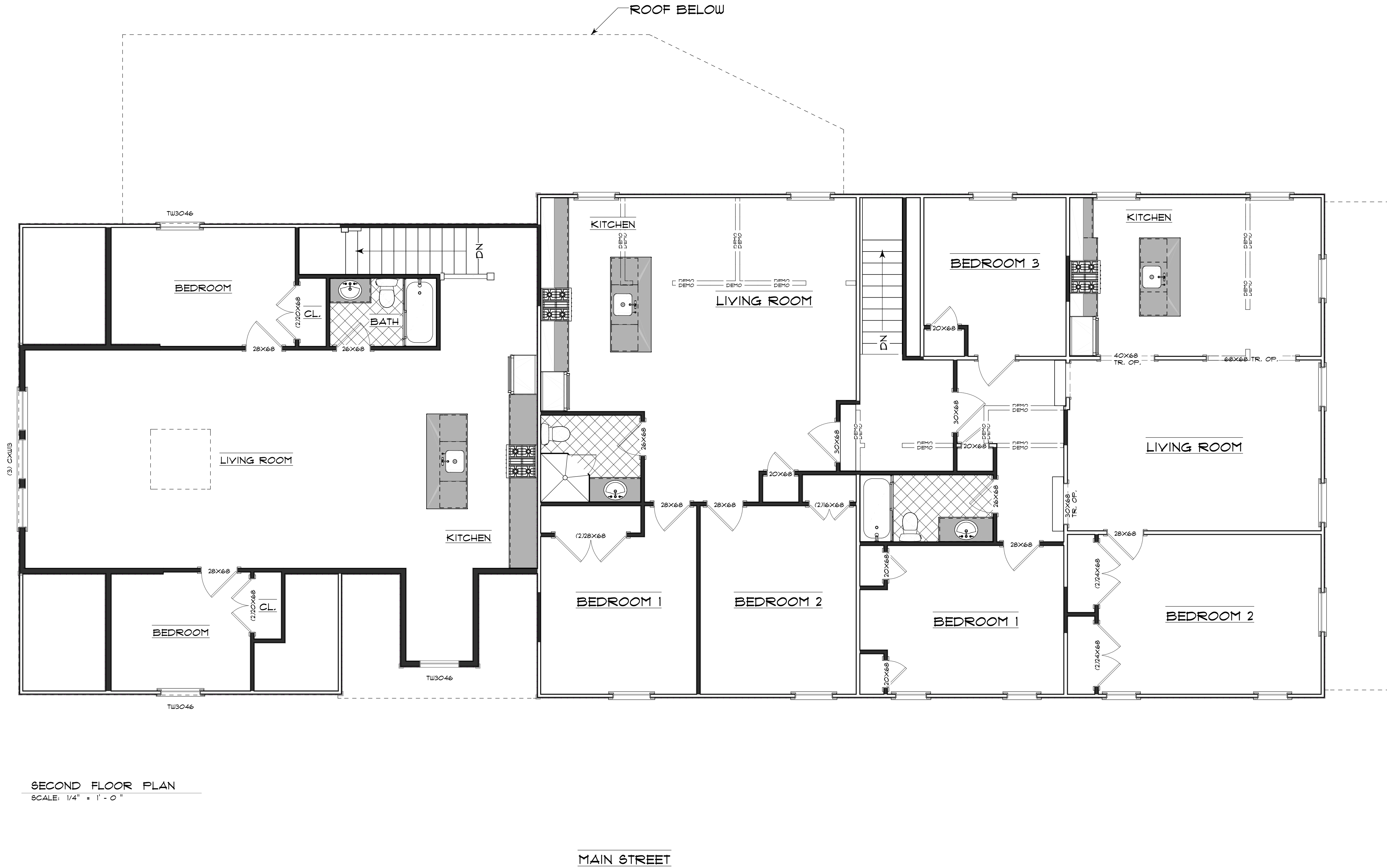
JOB: 2003T

SCALE: NOTED

SHEET: 3

WILLIAM P. BYRNE | ARCHITECT  
NEW JERSEY | A 14692  
VIRGINIA | C00935

revision :



PROJECT: 110 MAIN STREET  
CHESTER, NJ 07930

DATE: 12/08/20

JOB: 2003T

SCALE: NOTED

SHEET: 4

WILLIAM P. BYRNE | ARCHITECT  
NEW JERSEY | A 14932  
VIRGINIA | C00935

Byrne Design Associates LLC.

architecture / design / planning

10 MAIN STREET • CHESTER, NEW JERSEY 07930

PHONE (908) 879-0936

WILLIAMBYRNEA@AOL.COM

revision :





MAIN STREET  
(COUNTY ROUTE 513)

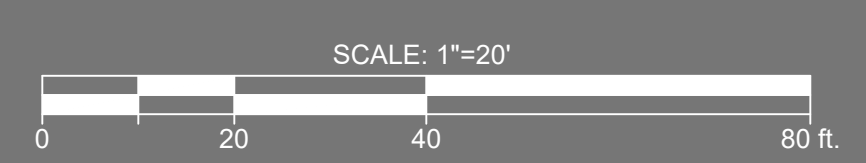
GROVE STREET

BUDD AVENUE

SEPTIC  
DISPOSAL  
FIELD

REFERENCE:  
AERIAL 2014-2015 HIGH RESOLUTION  
ORTHOGRAPHY OBTAINED FROM THE NEW  
JERSEY GEOGRAPHIC INFORMATION NETWORK.

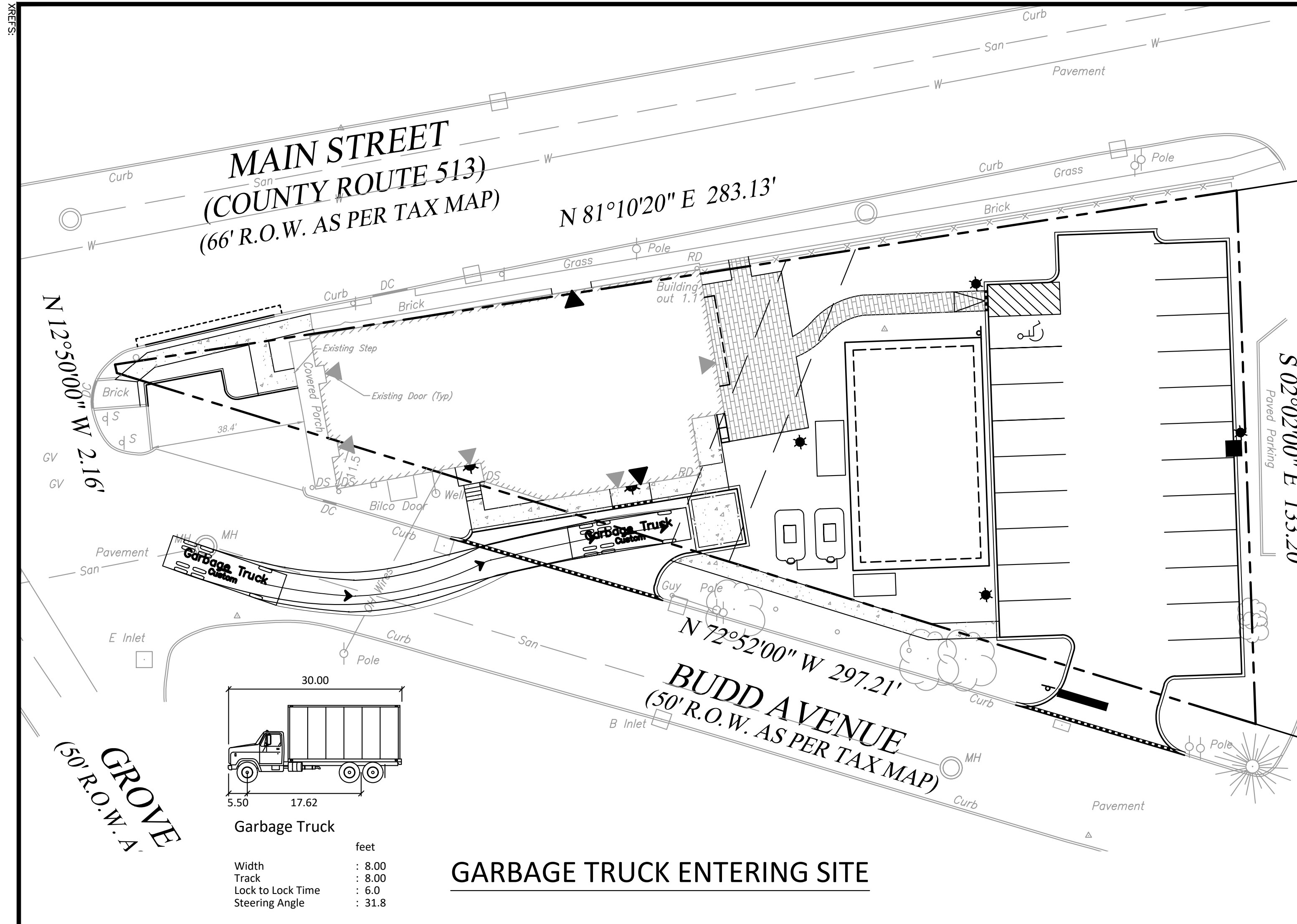
DATE: 12/01/20  
PROJ.: 200512



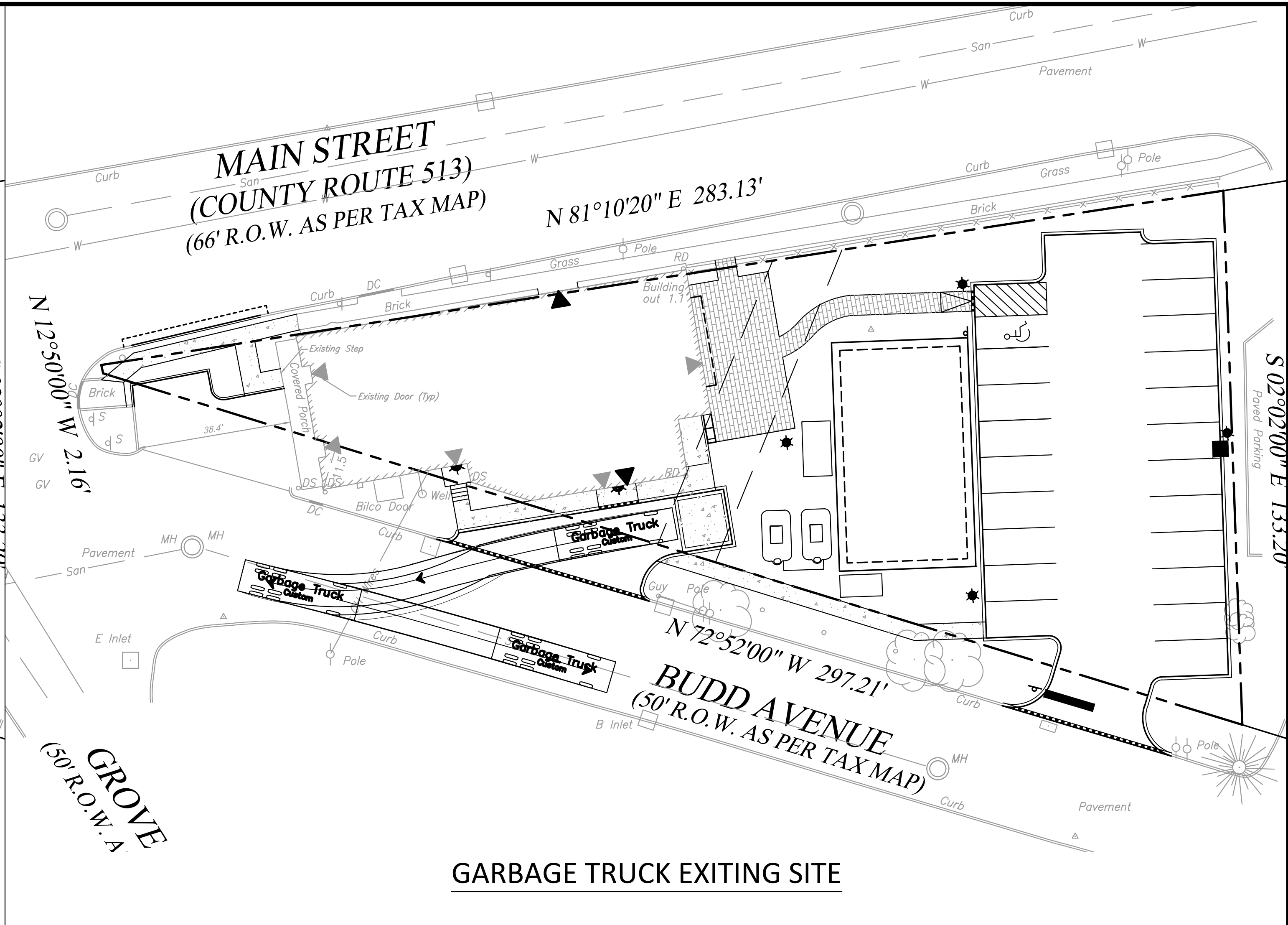
128 MAIN STREET  
SITE PLAN RENDERING  
BLOCK 123, LOTS 1 & 2  
BOROUGH OF CHESTER, MORRIS COUNTY, NEW JERSEY



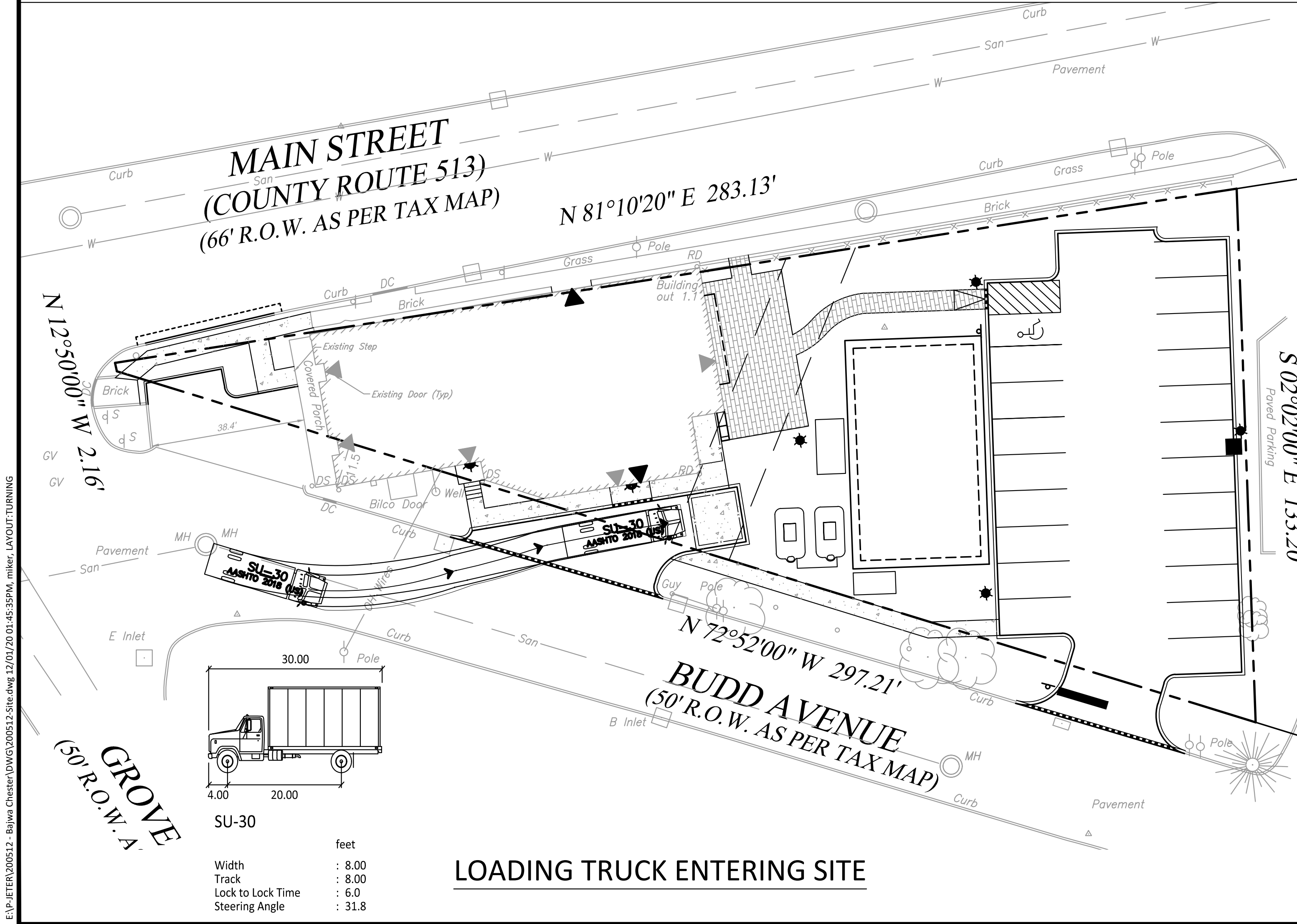
SEEN



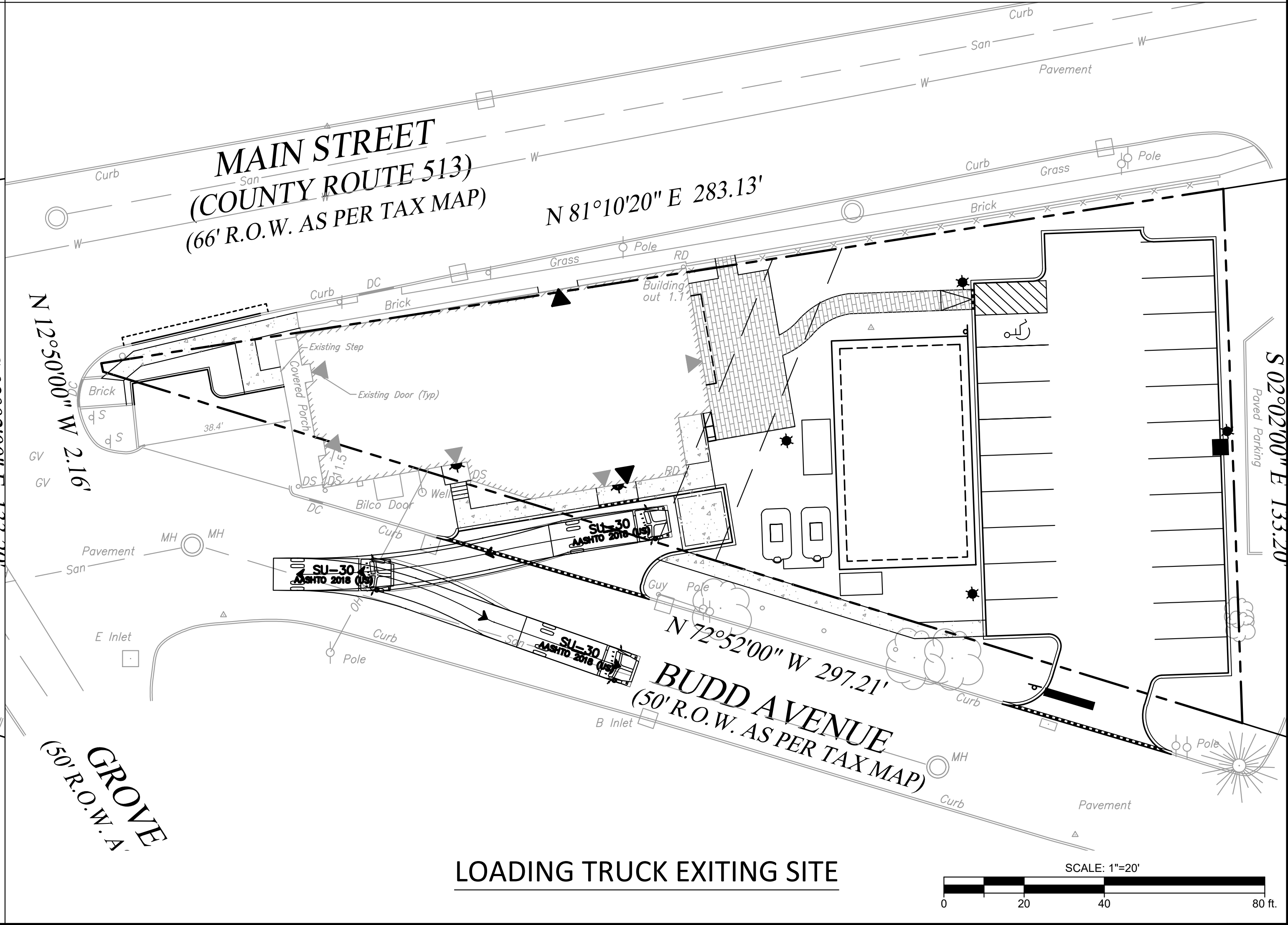
GARBAGE TRUCK ENTERING SITE



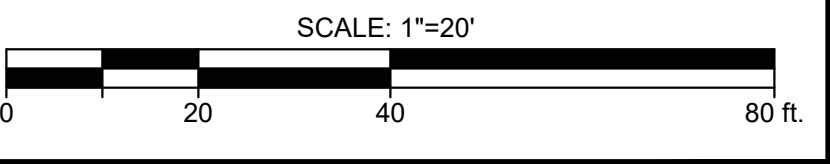
GARBAGE TRUCK EXITING SITE



LOADING TRUCK ENTERING SITE



LOADING TRUCK EXITING SITE



REVISION

DATE

REV #

DATE: 12/01/2020

PROJECT NO.: 200512

SHEET NO.: 1 OF 1

ROTH ENGINEERING

PROFESSIONAL ENGINEER

NEW JERSEY LICENSE NO. 24GE05262600

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TRUCK TURNING PLAN

EXHIBIT FOR

128 MAIN STREET

BLOCK 123, LOTS 1 & 2

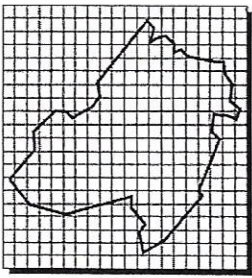
BOROUGH OF CHESTER, MORRIS COUNTY, NEW JERSEY

MICHAEL J. ROTH

NEW JERSEY LICENSE NO. 24GE05262600

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# MORRIS COUNTY PLANNING BOARD

P.O. Box 900 Morristown, NJ 07963-0900

Steve Rattner, *Chairman*  
Isobel W. Olcott, *Vice-Chairman*  
Ted Eppel, *Secretary*  
Deborah Smith  
*Freeholder Director*  
Stephen H. Shaw  
*Freeholder*  
Thomas Mastrangelo  
*Freeholder Alternate*

Christopher J. Vitz, *County Engineer*  
Roslyn Khurdan, *County Engineer Alt.*  
Nita Galate  
Everton Scott  
Christian Francioli  
Kaushik (Casey) Parikh, *Alternate 1*  
Dennis Bull, *Alternate 2*

Staci L. Santucci, Esq.  
*First Assistant County Counsel*  
Joseph Barilla, P.P.  
*Planning Board Director*  
(973) 829-8120  
FAX (973) 326-9025  
EMAIL: jbarilla@co.morris.nj.us

November 20, 2020

Kerry Brown, Secretary  
Borough of Chester Land Use Board  
50 North Road  
Chester, NJ 07930

## SITE PLAN REPORT

**NAME:** "128 Main Street" (revised 10/19/2020)  
**LOCATION:** Southeastern corner of the intersection of Grove Street and Main Street (County Route 513)  
**FILE NUMBER:** 2020-6-4-SP-0

## ADVISORY REVIEW

This site plan is for the redevelopment of the former Pleasant Pool property to accommodate retail space on the first floor and three apartment units on the second floor. The area that formally was the outdoor display area will be converted to a parking lot to accommodate 22 parking spaces. Access to this lot will be from Budd Avenue (municipal road). An existing three space parking lot with access to Main Street will need to be removed at the intersection of Grove Street and Main Street. Stormwater runoff from the new parking lot will be collected and routed to the existing Municipal system within Budd Avenue.

## COUNTY REQUIREMENTS (R.S. 40:27-6.7)

Approval of this site plan is withheld pending the following:

1. Clearly label the removal and replacement of existing depressed curb at the western portion of this site's Main Street frontage (existing three space parking lot) with full faced granite block curbing:
  - a. Provide a granite block curb detail (enclosed for Roth Engineering);
  - b. Provide a detail for a 2 foot wide full depth pavement repair strip;
2. Remove all existing and proposed onsite parking spaces within 10 feet of the Main Street right-of-way as per section 503 of the County Land Development Standards;
3. Remove proposed 2 foot overhang into the Main Street right-of-way as per section 509B of the County Land Development Standards.


If you have any questions concerning this report, please contact Gregory Perry, P.P. Supervising Planner at (973) 829-8120.

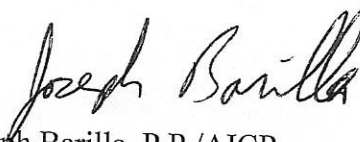
Borough of Chester Land Use Board  
2020-6-4-SP-0  
November 20, 2020  
Page 2 of 2

**PROCEDURAL CONDITIONS**

Prior to the start of any work in the County right-of-way, a Permit must be applied for and issued by the County Division of Engineering. When applying for a Permit, a copy of the Morris County Planning Board approval report and one set of the approved plans must be submitted to Mauricio Cabrera, Supervising Engineer, County Division of Engineering and Transportation, P.O. Box 900, Morristown, NJ 07963-0900, (973) 285-6750. This office is located at 30 Schuyler Place, 3rd floor, Morristown.

**MORRIS COUNTY PLANNING BOARD**

  
Gregory S. Perry, P.P.  
Supervising Planner

  
Joseph Barilla, P.P./AICP  
Planning Director

cc: Morris County Planning Board Members  
Manjit Singh Bajwa  
Mark A Blount, Esq.  
Roth Engineering (enclosure)



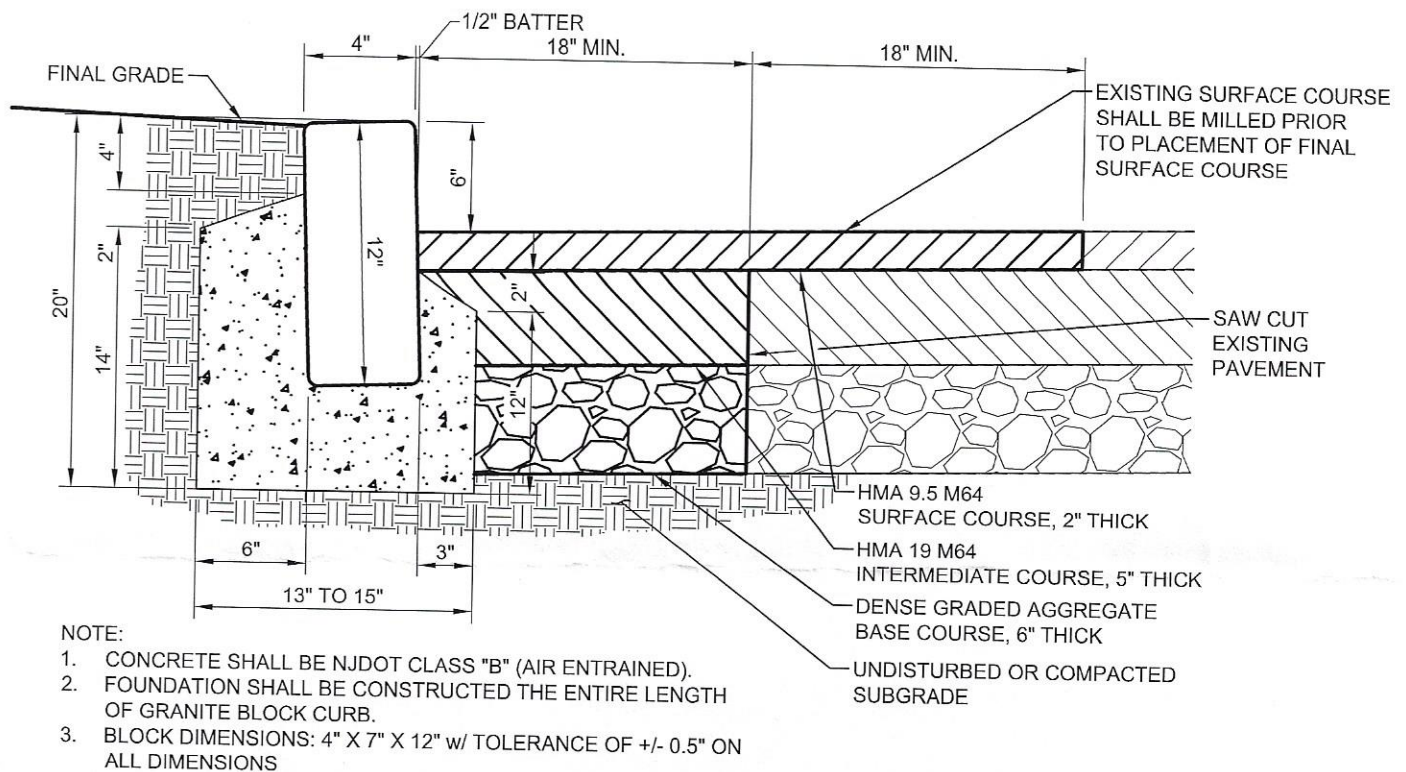
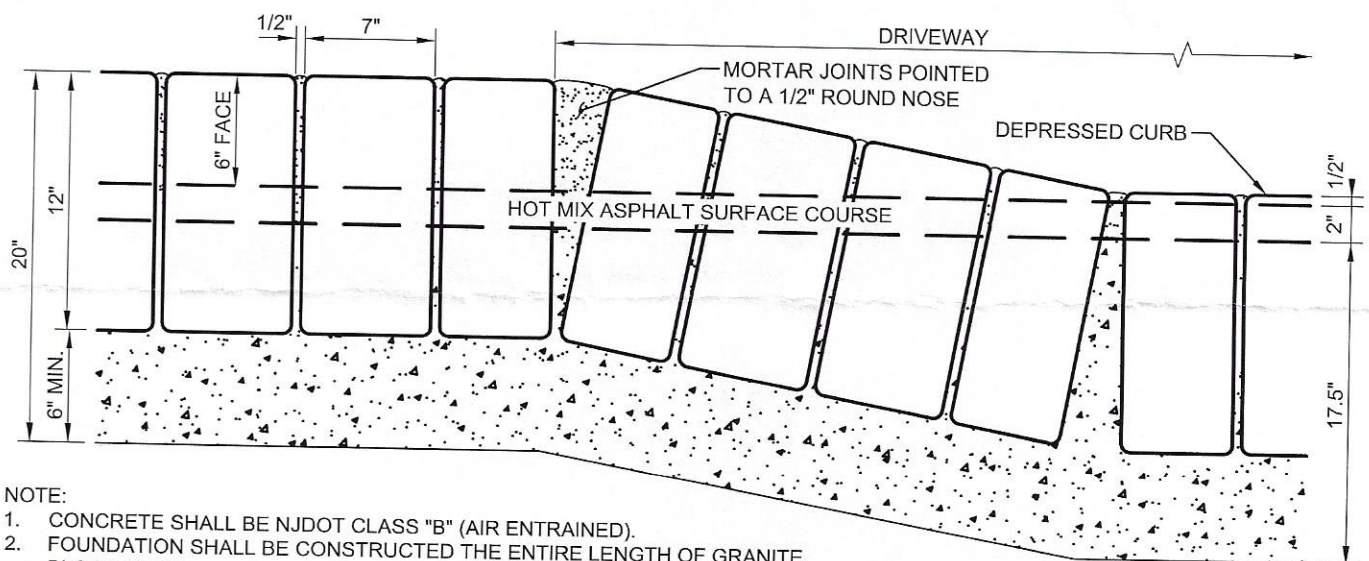


FIGURE 500-08		
MORRIS COUNTY TYPICAL DETAIL GRANITE BLOCK CURB		
NOT TO SCALE	12/2019	WMW

## GRANITE BLOCK CURB DETAIL



- NOTE:
1. CONCRETE SHALL BE NJDOT CLASS "B" (AIR ENTRAINED).
  2. FOUNDATION SHALL BE CONSTRUCTED THE ENTIRE LENGTH OF GRANITE BLOCK CURB.
  3. MORTAR SHALL CONSIST OF ONE (1) PART PORTLAND CEMENT TO TWO (2) PARTS FINE AGGREGATES. WATER SHALL BE ADDED TO FORM THE PROPER CONSISTENCY.
  4. MORTAR SHALL NOT BE TEMPERED OR USED AFTER IT HAS BEGUN TO SET.
  5. BLOCK DIMENSIONS: 4" X 7" X 12" w/ TOLERANCE OF +/- 0.5" ON ALL DIMENSIONS

FIGURE 500-09		
MORRIS COUNTY TYPICAL DETAIL GRANITE BLOCK DEPRESSED CURB		
NOT TO SCALE	12/2019	WMW

## GRANITE BLOCK DEPRESSED CURB DETAIL